

CAZ ON  
EAB  
- H26



31761116521618



# ENVIRONMENTAL ASSESSMENT BOARD

---

VOLUME: 114

DATE: Friday, June 16th, 1989

BEFORE: M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member



FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

FARR &  
ASSOCIATES &  
REPORTING INC.

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4



Digitized by the Internet Archive  
in 2023 with funding from  
University of Toronto

<https://archive.org/details/31761116521618>



# ENVIRONMENTAL ASSESSMENT BOARD

---

VOLUME: 114

DATE: Friday, June 16th, 1989

BEFORE: M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member



FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

**FARR &  
ASSOCIATES &  
REPORTING INC.**

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4



HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental Assessment for Timber Management on Crown Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council (O.C. 2449/87) authorizing the Environmental Assessment Board to administer a funding program, in connection with the environmental assessment hearing with respect to the Timber Management Class Environmental Assessment, and to distribute funds to qualified participants.

-----

Hearing held at the Ramada Prince Arthur Hotel, 17 North Cumberland St., Thunder Bay, Ontario, on Friday, June 16th, 1989, commencing at 8:30 a.m.

-----

VOLUME 114

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member



(i)

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
MS. C. BLASTORAH )	RESOURCES
MS. K. MURPHY )	
MS. Y. HERSCHER )	
MR. B. CAMPBELL )	MINISTRY OF ENVIRONMENT
MS. J. SEABORN )	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN )	ASSOCIATION and ONTARIO
MS. E. CRONK )	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY )	ASSOCIATION
MR. J. WILLIAMS, Q.C.	ONTARIO FEDERATION OF
MR. B.R. ARMSTRONG	ANGLERS & HUNTERS
MR. G.L. FIRMAN	
MR. D. HUNTER	NISHNAWBE-ASKI NATION and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK )	FORESTS FOR TOMORROW
MR. R. LINDGREN )	
MR. P. SANFORD )	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD )	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES )	ASSOCIATION
MR. R. EDWARDS )	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION
MR. L. GREENSPON)	NORTHWATCH
MS. B. LLOYD )	



APPEARANCES: (Cont'd)

MR. J.W. ERICKSON, Q.C.)	RED LAKE-EAR FALLS JOINT MUNICIPAL COMMITTEE
MR. B. BABCOCK )	
MR. D. SCOTT ) MR. J.S. TAYLOR)	NORTHWESTERN ONTARIO ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL) MR. S.M. MAKUCH )	GREAT LAKES FOREST
MR. J. EBBS	ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE	GRAND COUNCIL TREATY #3
MR. R. REILLY	ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. H. GRAHAM	CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY
MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON



(iii)

APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO  
TOURISM ASSOCIATION



I N D E X   O F   P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
J. JOSEPH CHURCHER, EDWARD ISKRA, ROBERT L. GALLOWAY, ROBERT A. CAMPBELL, MICHAEL EDWIN BUSS, PETER PHILLIP HYNARD, <u>CINDY STERN KRISHKA,</u> <u>STEPHEN NICHOLSON</u> , Resumed	19134
Continued Cross-Examination by Mr. Hanna	19134



(v)

I N D E X      O F      E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
667	Report authored by Smith and Oerlemans.	19134



1            ---Upon commencing at 8:40 a.m.

2                   THE CHAIRMAN: Thank you. Be seated,  
3                   please.

4                   MR. LINDGREN: Good morning, Mr.  
5                   Chairman. Mr. Hanna has kindly permitted me to speak  
6                   about a couple of matters left over from the scoping  
7                   session.

8                   THE CHAIRMAN: Very well.

9                   MR. LINDGREN: I did contact Ms.  
10                  Swenarchuk last night and she indicated she will be one  
11                  to two days in cross-examination of Panel 14.

12                 The second matter, which is more  
13                 substantive, deals with the issue of whether or not  
14                 roadside herbicide use should be dealt with during this  
15                 panel or Panel 14. I have spoken to my friends about  
16                 it and we will be addressing this matter further after  
17                 the morning break.

18                 THE CHAIRMAN: Okay.

19                 MR. LINDGREN: Thank you.

20                 THE CHAIRMAN: Mr. Hanna?

21                 MR. HANNA: Good morning.

22                 Mr. Chairman, this morning I would like  
23                 to finish two matters outstanding with Ms. Krishka from  
24                 yesterday and I would like to deal with one very short  
25                 matter with Mr. Galloway, and for much of the remainder

1       of the day I would like to deal with the evidence of  
2       Mr. Buss.

3                 If time permits, I will try and deal with  
4       one last issue, one short issue which may be with  
5       several members of the panel. We will sort of play it  
6       by ear at that time.

7                 Last night I prepared a whole series of  
8       questions I prepared for Mr. Hynard that dealt with the  
9       Federation's interrogatories for this panel and, in Mr.  
10      Hynard's words, they are the standard questions we have  
11      been putting in terms of the decision-making process  
12      and making tradeoffs and whatever.

13               And seeing Mr. Hynard has already given  
14      us his view on that in past panels, I felt it would be  
15      most appropriate and, dealing primarily with the  
16      decision-making process, to hold those until Panel 15.  
17      I have taken those all out. I think they deal  
18      primarily with about what that planning process is.

19               Mr. Hynard may be sorry, but I think we  
20      have heard from him.

21               THE CHAIRMAN: He doesn't look sorry.

22               MR. HANNA: I am hoping to be finished  
23      today at a reasonable time. I appreciate very much the  
24      travel connections Mr. Martel and Mr. Galloway has. It  
25      looks like we will be done at 1:30 and hopefully I will

1       be finished before that, so I don't think we will be  
2       sitting beyond that.

3                     THE CHAIRMAN: Thank you.

4                     MR. HANNA: I will be referring to the  
5        following exhibits, Exhibit 310, which is the Moose  
6        Guidelines; Exhibit 344 which is the Deer Habitat  
7        Guidelines. I have put down here the Panel 8 witness  
8        statement. It is not necessary to have it, I am going  
9        to read one paragraph out of it.

10                  But if people want, they can have the  
11        Panel 8 witness statement - it won't be until after the  
12        break - if they wish, they can have the Panel 8 witness  
13        statement here and, of course, I will be referring to  
14        the witness statements of the panel itself.

15                  THE CHAIRMAN: Do you have them, Ms.  
16        Murphy?

17                  MR. FREIDIN: We have one copy, that's  
18        all.

19                  MS. MURPHY: We have to find a copy and  
20        ensure that the witnesses have one.

21                  THE CHAIRMAN: Mr. Hanna, if you would  
22        wait until after the break before you deal with that  
23        question. Perhaps during the break you can get some  
24        extra copies if possible.

25                  MS. MURPHY: Was that the Panel 8 witness

1 statement as well?

2 THE CHAIRMAN: Panel 8.

3 MR. HANNA: I am just concerned, Mr.  
4 Chairman, Exhibit 344, the Deer Habitat Guidelines, it  
5 should have been on the agenda at the beginning. I  
6 apologize for that. I wonder if there is a way to  
7 remedy this quickly, if I can. I have some questions  
8 for Ms. Krishka and Galloway first.

9 THE CHAIRMAN: Do you have 344?

10 MS. MURPHY: We have one copy of 344  
11 here.

12 THE CHAIRMAN: What about 310?

13 MS. MURPHY: Again, 310, we only have one  
14 copy of that in this room.

15 THE CHAIRMAN: Will it take you very long  
16 to get it?

17 MS. MURPHY: It might take us five to ten  
18 minutes.

19 THE CHAIRMAN: I am also willing to give  
20 my copy.

21 Why don't you go and arrange to get it  
22 now and see if you can have it after the break.

23 MR. HANNA: I'm sorry, I didn't mean for  
24 that to happen.

25 THE CHAIRMAN: Let's go on.

1           J. JOSEPH CHURCHER,  
2           EDWARD ISKRA,  
3           ROBERT L. GALLOWAY,  
4           ROBERT A. CAMPBELL,  
5           MICHAEL EDWIN BUSS,  
6           PETER PHILLIP HYNARD,  
7           CINDY STERN KRISHKA,  
8           STEPHEN NICHOLSON, Resumed

9

10          CONTINUED CROSS-EXAMINATION BY MR. HANNA:

11          Q. Ms. Krishka, I believe yesterday I  
12         provided you with a report by two gentlemen named Smith  
13         and Oerlemans; correct?

14          MS. KRISHKA: A. Yes, that's true.

15          Q. Did you have an opportunity to review  
16         that and discuss it with other members of your panel?

17          A. Yes, I have.

18          MR. HANNA: Mr. Chairman, I would like to  
19         enter it as an exhibit now, if I might, please.

20          THE CHAIRMAN: Very well.

21          MR. HANNA: I believe the other parties  
22         already have copies.

23          THE CHAIRMAN: I think that's Exhibit  
24         667.

25          MR. HANNA: (handed)

26          THE CHAIRMAN: Thank you.

27          ---EXHIBIT NO. 667: Report authored by Smith and  
28         Oerlemans.

29          MR. HANNA: Q. Now, the first question I

1 have, Ms. Krishka that I would like clarified, I did  
2 not see this article in the bibliography; is that  
3 correct?

4 MS. KRISHKA: A. That's correct.

5 Q. There are a series of articles that  
6 are sort of the follow-up to this dealing with tending  
7 and whatever. In the bibliography of this material  
8 document there is actually two pages of it, 24 and 25?

9 A. All scientific literature doesn't ---  
10 they are follow-up papers, they are simply papers that  
11 have been referred to in the paper.

12 Q. I appreciate that. I believe however  
13 there is on page 25 two articles by Smith, I believe  
14 the same author as the author of this document in '85  
15 and '84 that dealt with what appears to be the same  
16 site; is that not correct?

17 A. It appears from their title that they  
18 are, but I am not familiar with those articles.

19 Q. I am sure there is a good reason for  
20 this and really it is not an attempt to say we missed  
21 it, however I wanted to understand why it wasn't in  
22 your bibliography? Had you made a conscious decision  
23 to include this in your bibliography?

24 A. It is quite simple. The reason is  
25 that the subject of the literature review was on

1       cleaning treatments, we are looking at the  
2       effectiveness of cleaning as a tending treatment. This  
3       paper deals with thinning which is a different tending  
4       treatment and the differences were described by Mr.  
5       Hynard in his evidence.

6                   Q. I appreciate that there is a  
7       difference. Where would I find it in the witness  
8       statement - maybe I should ask this to some of the  
9       other members - information comparable to what you have  
10      prepared on cleaning dealing with the issue of  
11      thinning?

12                  Is there a bibliography I could put my  
13      hands on here for the sort of state-of-the-art with  
14      respect to thinning?

15                  A. We didn't feel a literature review of  
16      the same sort for thinning -- perhaps Mr. Hynard has  
17      something to say.

18                  MR. HYNARD: A. There is no list or list  
19      of references that you can go to. However, we  
20      presented evidence on the effects of thinning and  
21      response of thinning during direct evidence.

22                  Q. Just to summarize, there isn't a  
23      comparable summary of the information as Ms. Krishka  
24      has prepared for cleaning for thinning?

25                  A. No, nor pruning, nor improvement

1 cutting nor in any of the other tending treatments.

2 THE CHAIRMAN: Is there any obligation in  
3 your view that a bibliography has to be provided for  
4 every topic addressed in this hearing?

5 MR. HANNA: I wouldn't say an obligation,  
6 I wouldn't say a compelling obligation in the sense  
7 that there is a fine line. I don't want to get into  
8 the academics of bibliography or the sense of doing a  
9 bibliography.

10 I think the reason that I see some  
11 significance in it is that this provides a fairly  
12 detailed description of a timber management activity  
13 which has consequences in terms of much of the evidence  
14 that we have heard in panels in the past, and in this  
15 particular panel, and I think it is quite relevant to  
16 the types of determinations that are being made.

17 Whether you have a comprehensive  
18 bibliography, that isn't my point at all. I think it  
19 is the fact that within the area of the undertaking it  
20 is an activity that is taking place, it is a current  
21 article that has, I would suggest to the Board, quite a  
22 bit of relevance to the evidence of this panel and, in  
23 this sense, I think it is appropriate and that it  
24 should be brought forward.

25 THE CHAIRMAN: Would your client be

1 providing a bibliography for every topic you are going  
2 to address?

3 MR. HANNA: We will certainly provide the  
4 Board with a comprehensive review of the documentation  
5 that we have when we come forward.

6 MR. HANNA: Q. Mr. Buss, can you tell me  
7 whether you have dealt with the substance of this  
8 particular issue, the thinning -- commercial thinning  
9 of jack pine in the boreal forest in your evidence?

10 MR. BUSS: A. I dealt with the perceived  
11 changes in the search that I was able to conduct in the  
12 time that I had to conduct it. I wasn't able to find a  
13 lot of literature that separated silvicultural  
14 treatments from the effects of timber harvesting.

15 In other words, there is literature that  
16 talks about effective harvesting on wildlife habitat.  
17 Specifically dealing with individual treatments in  
18 terms of tending, there wasn't a great deal of  
19 literature so it was not dealt with in great depth.

20 Q. If I look on page 369 of your witness  
21 statement, that's the section dealing with thinning,  
22 and there is a discussion there. I certainly didn't  
23 get the feel for anything comparable there dealing with  
24 this type of operation.

25 MR. HANNA: This type of operation, Mr.

1 Chairman, I didn't go through the detail of what the  
2 operation is, it is self-evident in the report, this  
3 matter of commercial thinning where you open up large  
4 areas of stands.

5 MR. HYNARD: The evidence on commercial  
6 thinning was presented by me, Mr. Hanna.

7 MR. HANNA: Q. I understand that, Mr.  
8 Hynard. I appreciate you are the silvicultural expert  
9 on the panel.

10 I am asking Mr. Buss in terms of wildlife  
11 and fish impacts, if he dealt with them in his  
12 evidence. I believe 369 is Mr. Buss' evidence, his  
13 discussion of the impact of thinning. I see nothing  
14 there comparable to the type of activity being  
15 discussed in this particular article.

16 MS. KRISHKA: A. I think it might be  
17 worthwhile pointing out that, in particular, in view of  
18 the literature reviews I have done the amount of  
19 material that's generally available in the literature  
20 is in relation to the amount of interest and perhaps  
21 potential information or clarification that is of  
22 interest to the scientific body.

23 In areas where there isn't any particular  
24 concerns or major questions to be answered, you would  
25 not likely find a lot of literature.

1                   Q. Ms. Krishka, you have no concerns in  
2                   terms of wildlife in terms of this particular activity?

3                   THE CHAIRMAN: I don't think that's what  
4                   she said.

5                   MS. KRISHKA: I am speaking in very  
6                   general terms about research.

7                   MR. HANNA: I am sorry.

8                   Q. Perhaps I should put the question to  
9                   Mr. Buss. Mr. Buss, given this type of activity, would  
10                  you agree it has implications in terms of the wildlife  
11                  on a broad area?

12                  MR. BUSS: A. Yes, I think the evidence  
13                  indicates that it is an interest and by and large the  
14                  trees that are being -- that receive the impact of this  
15                  thinning are crop trees.

16                  So you don't remove -- it is my  
17                  understanding you don't remove the entire crop in a  
18                  tending project and that the thinning has been shown to  
19                  have marginal benefit for wildlife because it supplies  
20                  access to some of these browse species or from other  
21                  competing species that come in.

22                  So tending could be viewed as a marginal  
23                  improvement as far as wildlife habitat goes when you  
24                  are looking at browse production only.

25                  Q. If you look at it then, tending could

1       be a fairly positive impact?

2                   A. It could be if browse was one  
3                   component of habitat that was in short supply or was  
4                   particularly a limiting factor.

5                   Q. Ms. Krishka, in the article there is  
6                   one section I would ask you to look at which was the  
7                   section that they deal with in terms of blowdown,  
8                   something that the Board has heard considerable  
9                   evidence on. Is that correct?

10                  MS. KRISHKA: A. What page?

11                  Q. Page 15 I think is the page. I  
12                  believe it is under the title Wind and Snow Damage.  
13                  That's what it deals with?

14                  A. Yes.

15                  Q. And did these authors find that wind  
16                  and snow damage in this particular case was not a  
17                  serious problem despite the fact that it was, if you  
18                  will, strip cutting in a sense?

19                  A. Yes, it would appear that they did  
20                  not find that thinning in this study caused a problem.

21                  Q. Did they find in fact that blowdown  
22                  may in fact be beneficial in that - and I refer you  
23                  specifically here to the first paragraph -- first page  
24                  where it says:

25                  "Only the less vigorous, suppressed and

1                   intermediate trees were actually  
2                   damaged."

3                   In other words, it is a self-thinning  
4                   process that actually occurred in addition to the  
5                   physical thinning that the foresters undertook; is that  
6                   correct?

7                   THE CHAIRMAN: Mr. Hanna, how can you  
8                   encourage blowdown? How can you encourage snowfall in  
9                   terms of, even if it is beneficial; what can man do  
10                  about both of those?

11                  MR. HANNA: I think the phenomena that is  
12                  occurring here is this: When you open up a stand to  
13                  nature - that is my understanding of this, if I can  
14                  give you my interpretation of what I read here - is  
15                  that when you open up a stand it makes the stand  
16                  somewhat more susceptible to those forces of nature.

17                  The trees that generally are affected the  
18                  most will be those of less merchantable value, the  
19                  suppressed and less vigorous trees. In fact, you get a  
20                  self-thinning. If you can predict that and knowing it  
21                  is going to happen, it is a beneficial effect. In  
22                  addition --

23                  THE CHAIRMAN: So what you are suggesting  
24                  is, that you go in and open up as many stands as  
25                  possible so as to encourage more blowdown?

1                   MR. HANNA: In fact, yes. I think that  
2       is in fact one of the conclusions we can reach.

3                   I think there is two angles to it: One  
4       is that if you do a modified cut in the boreal forest  
5       it doesn't lead to blowdown as perhaps has been  
6       suggested in the past, and also that when you do that  
7       there may in fact be a beneficial effect above and  
8       beyond...

9                   THE CHAIRMAN: What are your clients  
10      advocating, more clearcutting?

11                  MR. HANNA: I am sorry, Mr. Chairman, no,  
12      absolutely not. We are advocating more modified cuts  
13      just as this can be considered a modified cut of some  
14      sort. This paper came forward and says that this is a  
15      positive effect of modified cut of this nature. That's  
16      the thrust of it, if you will, Mr. Chairman.

17                  THE CHAIRMAN: Would you not encourage more  
18      blowdown, if you would, more clearcutting at least on  
19      the edges?

20                  MR. HANNA: Well, certainly it will get  
21      the same effect on the edge but, of course, that's a  
22      matter of magnitude. If we have a large edge, a large  
23      area exposed you will get a greater benefit, but  
24      certainly -- probably the best benefit.

25                  It would be better to have the question

1        answered in terms of a forester's perspective and, in  
2        terms of that, I am not qualified to answer that, but I  
3        would expect that would be the case.

4                    MR. HYNARD: Just for the record here, I  
5        think the authors are pointing out that blowdowns  
6        perhaps are beneficial, they were regarding the  
7        blowdown as a negligible effect.

8                    MS. KRISHKA: Yes, I think I pointed out  
9        here that in fact because they mention less vigorous,  
10       suppressed and intermediate trees, in fact tending  
11       isn't tending to release those less vigorous and  
12       intermediate trees, and the point is to allow for  
13       conditions for some of those trees to then be in a poor  
14       competitive position, and the point is not to reduce  
15       the density on the site by somehow causing damage to  
16       the less vigorous and intermediate trees.

17                  MR. HANNA: Q. Are you suggesting that  
18        in this particular case, this release-type activity  
19        that is being discussed in this paper --

20                  MS. KRISHKA: A. This is thinning, not  
21        release.

22                  Q. Well, I would suggest to you that we  
23        can go to the abstract, but in fact what they find was  
24        a enhancement type response, they found an increase --  
25        maybe we are playing with words here.

1                   A. I don't think we are playing with  
2 words. It is a silvicultural treatment being it is  
3 thinning. The result of the thinning as described in  
4 the evidence is such that it does increase the light  
5 and some of the resources available on the site for the  
6 trees that are remaining and, in that light, it is not  
7 dissimilar from what would occur after a release, but  
8 it is not a release treatment.

9                   Q. I am sorry, I am caught up in the  
10 words here. However you use the words - I am not sure  
11 you can tell me the right word here - you enhance the  
12 growth of the remaining trees?

13                  A. That's the intention.

14                  Q. In fact that is not the conclusion in  
15 the abstract. It is very clear that:

16                   "On the basis of estimates of growth,  
17 costs and prices, a positive net present  
18 value is possible as a result of strip  
19 thinning at discount rates of 4 per cent  
20 or more."

21                  Does that suggest to you as a forester  
22 that a very possible effect of thinning could be in the  
23 trees you took out, the commercial harvesting you had,  
24 but in terms of the trees that were there, a discount  
25 of 4 per cent or more?

1                   A. Well, that is the intention of the  
2 treatment and they found that in fact the treatment was  
3 beneficial based on the assumption they used in that  
4 economic analysis.

5                   Q. But the economics aside, they did  
6 find a very positive growth response in the stand?

7                   A. Yes, they did and that was intended.  
8 That's the reason why we thin.

9                   Q. When you do that type of assessment,  
10 growth response after you take the commercial wood out,  
11 would you go -- would you include trees that have  
12 fallen down as part of the standing stock or will they  
13 be discounted?

14                  In other words, the number we have  
15 presently before us here are net of any windblow that  
16 has taken place?

17                  A. If it has fallen it wouldn't be  
18 standing and it wouldn't be assessed.

19                  Q. The numbers presented here in terms  
20 the increase in basal area of the trees, residual trees  
21 is net of any blowdown; is that correct?

22                  A. I am sorry, I don't recall reading an  
23 increase in this basal area in this area.

24                  Q. Well, perhaps I can just read you  
25 right from the abstract.

1                    "Ten-year growth showed good  
2                    response among crop trees. An increase  
3                    in mean tree volume between 18 and 22  
4                    per cent by age 70 is predicted."

5                    Am I not reading those words right?

6                    A. No. You said volume and not basal  
7                    area. The word is predicted, not actual. That's the  
8                    operative word.

9                    MR. HYNARD: A. Mr. Hanna, we don't want  
10                  to disagree with you on matters. It is our own  
11                  evidence that thinning produces desired results. Those  
12                  results -- the reason that thinnings are conducted are  
13                  on page 121 of the statement of evidence, Volume 1, and  
14                  they are reflected -- those same effects are reflected  
15                  in that same paper.

16                  On page 126 of the statement of evidence  
17                  we note that because of -- the profitability of  
18                  conducting commercial thinning operations, because the  
19                  yield of the product is low and the size of trees is  
20                  low, small that is, the cost of logging is relatively  
21                  high and for that reason very few of those operations  
22                  are conducted.

23                  And at page 126 it describes the three  
24                  most common situations in which commercial thinning is  
25                  conducted. But we agree that commercial thinning can

1 provide desired results, there is no doubt about that.  
2 It can't be done everywhere for practical reasons.

3 Q. Thank you, Mr. Hynard. One last  
4 question on this. Mr. Buss, are you aware of any  
5 studies that the Ministry has done in the past or is  
6 doing at the present time that assesses the impacts of  
7 such operations in wildlife?

8 MR. BUSS: A. Specifically mechanical or  
9 are we talking about --

10 Q. I believe this in fact is mechanical.  
11 I was under the understanding this was a mechanical  
12 operation, I just want to be sure.

13 A. I am not aware of any studies that  
14 address this type of activity, its impact on wildlife.

15 Q. Mr. Galloway, I would like to refer  
16 you to one paper that you have included in your witness  
17 statement. It is a paper by Dr. Baskerville that we  
18 talked about before. I want to get one thing clarified  
19 in it. It is a new term that I haven't seen and I want  
20 to make sure I understood the term and I would like  
21 your assistance in that. I am looking particularly on  
22 page 174.

23 THE CHAIRMAN: What volume?

24 MR. HANNA: Sorry, Volume 1, Mr.  
25 Chairman, of Panel 12.

1                   THE CHAIRMAN: 12.

2                   MR. HANNA: Q. Now, the bottom of the  
3 page there, the last paragraph starts with the word  
4 'plantations'.

5                   MR. GALLOWAY: A. Yes, I have that.

6                   Q. I want your interpretation as a  
7 professional forester of how you interpret that word  
8 plantation. What does that mean to you as a forester?

9                   A. To me in this statement it means  
10 planted trees. So plantation is where the renewal  
11 treatment was by planting.

12                  Q. Does it also -- if this was, say, a  
13 conifer plantation, does that have any meaning to you  
14 in terms of the proportion of conifers in the stand?

15                  A. Yes.

16                  Q. Desired conifer proportion in the  
17 stand?

18                  A. To me that means at least 50 per cent  
19 of it would be conifer and more likely at least 60 per  
20 cent.

21                  I might add that Dr. Baskerville, in the  
22 New Brunswick viewpoint, they plant and do very little  
23 aerial seeding. In our context at times we will refer  
24 to plantation as an aerial seed renewal treatment as  
25 well and not make any real distinction between the two.

1 Q. So both fall in the same--

2 A. General terms.

3 Q. General terms?

4 A. That's correct.

5 Q. Can we move to page 180, please.

6 This is the word -- the terminology I haven't seen  
7 before and I think you can perhaps help me on it. The  
8 third full paragraph there. In particular I want to  
9 get clarification on this. I think he has referred to  
10 as ACE?

11 A. Yes. The allowable cut effect.

12 Q. Yes. You are familiar with that?

13 A. Yes.

14 Q. Now, is Ontario currently practising  
15 ACE?

16 A. No, the maximum allowable depletion  
17 method that we use currently is based on area and the  
18 allowable cut effect is based on volume calculation.

19 There is an interest in the allowable cut  
20 effect and you will see some plans where it is  
21 considered, evaluated and may in fact be rationalized  
22 on that unit, or forest where it is required to use the  
23 allowable cut effect.

24 Q. So you are saying in some cases it is  
25 practised?

1                   A. It is not in the timber management  
2 planning process. A maximum allowable depletion--

3                   Q. Right, the MAD?

4                   A. --is the way we are governed, but it  
5 is one of those cases if you make a rule for the whole  
6 area, in certain cases that might not be appropriate.

7                   So what we are doing at the present is  
8 comparing allowable cut effect calculation -- volume  
9 calculations in relationship to the maximum allowable  
10 depletions and where - with a reasonable explanation  
11 and rationalization - that planning decision is  
12 justified and is in fact a valid method, then the  
13 planners and the planning team can propose that be the  
14 level of harvest on a unit and it is reviewed by the  
15 various review groups.

16                  Q. So what I am getting at then, you are  
17 saying that your interpretation at least is that ACE is  
18 allowed under the planning process being brought  
19 forward by the Ministry?

20                  A. Yes, it has to be compared and  
21 rationalized, that's correct, with the maximum  
22 allowable depletion.

23                  Q. I feel a little bit at sea here. I  
24 was not involved in Panel 4 so I am not sure if the  
25 evidence was brought forward.

1                   THE CHAIRMAN: We are not going through  
2 maximum allowable depletion at this stage.

3                   MR. HANNA: I appreciate that, Mr.  
4 Chairman. I wasn't concerned about maximum allowable  
5 depletion, more if Mr. Galloway knows if this ACE  
6 approach was discussed at that time?

7                   MR. GALLOWAY: I don't believe it was  
8 discussed other than it was outlined as another method.  
9 I may be incorrect in that, I am not exactly familiar.

10                  MS. MURPHY: Dr. Osborn talked about  
11 different kinds -- the different kinds of yield  
12 regulations. You will recall there was evidence about  
13 area regulation, volume regulation. I can advise you  
14 he did not call it ACE.

15                  THE CHAIRMAN: The topics were discussed.

16                  MR. HANNA: As part of the undertaking, I  
17 think it is in the response to an interrogatory, I know  
18 Dr. Osborn talked about various methods. It's more a  
19 matter of whether this was a part of the undertaking,  
20 that's what I was trying to get clarified.

21                  MR. GALLOWAY: Foresters in the province  
22 are currently looking at this in terms of an option in  
23 terms of deciding on allowable cut.

24                  If you review the timber management  
25 manual, for instance, an updated version of it has in

1 fact changed since the original production of the  
2 timber management planning manual - and is currently  
3 called the blue pages - some of the revisions in that  
4 that was put in there based on provincial discussions  
5 to alleviate certain problems in certain areas where it  
6 was important to view it from a volume background as  
7 opposed to the area calculation.

8 MRS. KOVEN: Excuse me, do you refer to  
9 to that as an ACE approach or are you talking about  
10 volume calculations?

11 MR. GALLOWAY: The ACE is an allowable  
12 cut effect. In the volume calculation, the allowable  
13 cut effect allows -- it views the long-term  
14 sustainability on that unit -- sustainable yield on  
15 that forest and you actually can have an immediate  
16 effect on the allowable volume by this allowable cut  
17 effect.

18 So if you plant more now, for instance,  
19 and you expect a higher yield in future, you then can  
20 review the long-term sustained yield to see if in fact  
21 you might harvest more or less right now instead of  
22 deferring it until the 70 years when it is actually  
23 there.

24 So it is an evaluation of how the  
25 long-term sustainable yield number changes depending on

1 your renewal treatments now.

2 MR. HANNA: Mr. Chairman, I don't think  
3 it is appropriate to go through this paper in any  
4 detail at this time. One last question on it.

5 Q. Mr. Galloway, as I say, this isn't  
6 the time to go through this in detail, but is it fair  
7 for me to say that Dr. Baskerville points out in this  
8 particular article that there is -- there are benefits  
9 to ACE but there is also, I think, a high risk because  
10 of: You are hoping what you are going to do comes  
11 through and, if it doesn't, you may have a gap in  
12 supply and therefore your silvicultural activities  
13 aren't as successful as you are predicting.

14 Is that a fair assessment?

15 MR. GALLOWAY: A. Yes, that's exactly  
16 it. You are predicting your end result and that's why  
17 you replant every five years. If you are wrong five  
18 years from now you look at it again and may change it,  
19 and that's an important part of the step to alleviate  
20 that concern, if you are incorrect.

21 We stated yesterday, predicting the  
22 future is pretty tenuous. You replant in five years  
23 and you review and if, as a result of the same type of  
24 process of review of the studies that Ms. Krishka  
25 listed, a review of the volume we put on this

1 plantation isn't really growing at the rate we expect  
2 it to, then as you learn new information you change  
3 your assumptions.

4 Q. So what you are saying is that is  
5 risk driven, that the Ministry tries to reduce the high  
6 risk that Dr. Baskerville has identified here?

7 A. Yes, that's in fact just the basis of  
8 forest management planning really and that's why the  
9 review on the five-year cycle.

10 MR. HANNA: Mr. Chairman, I am not sure  
11 whether Ms. Murphy has the deer guidelines yet.

12 MS. MURPHY: I will find out. They are  
13 not here yet. We are going to call again.

14 THE CHAIRMAN: If you are up to this  
15 stage, we will take a break.

16 MS. CRONK: Mr. Chairman, I have a copy  
17 and I will give it to Ms. Murphy.

18 THE CHAIRMAN: I think the problem is  
19 they want the witnesses to have some copies.

20 MS. MURPHY: If you are going to take a  
21 few minutes...

22 THE CHAIRMAN: Okay. Which witnesses are  
23 you going to put these questions to?

24 MR. HANNA: Mr. Buss, Mr. Chairman.

25 MR. BUSS: I have a copy of the moose

1 guidelines. I am not sure which version or draft of  
2 the deer guidelines you have.

3 THE CHAIRMAN: Ms. Murphy, do you feel it  
4 necessary for all of your witnesses, other than Mr.  
5 Buss, to have copies of this?

6 MS. MURPHY: Just as long as Mr. Buss has  
7 a copy and we have a copy. These are -- maybe -- are  
8 these photocopies for Mr. Buss?

9 MR. HANNA: I believe Mr. Buss has  
10 copies.

11 Q. Mr. Buss, on page 53 of your witness  
12 statement, at the bottom of the page, there is a  
13 citation there and it is referring to a publication  
14 called the Timber Management Guidelines for the  
15 Provision of White-Tailed Deer Habitat. Is that a  
16 version of Exhibit 344?

17 MR. BUSS: A. You will have to excuse  
18 me. Can you refer to the page number.

19 Q. It's page 53.

20 A. Of my witness statement? My witness  
21 statement only has 24 pages in it, and that one is 383.

22 Q. Oh, I'm sorry. I'm referring to, Dr.  
23 Buss, not to your Document No. 5, I'm referring to the  
24 actual -- it's your curriculum vitae actually. Perhaps  
25 I can show it to him.

1                   THE REPORTER: I'm sorry, I couldn't hear  
2                   you.

3                   THE CHAIRMAN: Which one couldn't you  
4                   hear?

5                   THE REPORTER: Ms. Murphy.

6                   THE CHAIRMAN: Ms. Murphy, did you have  
7                   something to say?

8                   MS. MURPHY: No, sir, not for the record.

9                   MR. BUSS: Yes, I have the page now.

10                  MR. HANNA: Q. So you were involved in  
11                  writing these guidelines; is that fair?

12                  MR. BUSS: A. No, I wasn't involved in  
13                  writing them, but Mr. Galley and I were given the task  
14                  of editing material; in other words, it's been about 10  
15                  years I think in preparation. I think the document has  
16                  been around almost that long and it had gone through a  
17                  number of revisions and it had gone to the districts  
18                  and regions for comments a number of times and Mr.  
19                  Galley and I were involved in trying to synthesize some  
20                  of the comments and rework the material to get it into  
21                  the draft form it is in now.

22                  Q. So there is a great number of  
23                  authors, is what you are saying; is that correct, that  
24                  the Ministry, circulated and got comments and whatever  
25                  and it was a combined effect of all those people?

1                   A. Yes.

2                   Q. But you are very familiar with them  
3 because you obviously -- it had to be edited?

4                   A. I was familiar with them two years  
5 ago when we worked on it.

6                   Q. Do these guidelines deal with tending  
7 and maintenance?

8                   A. The deer guidelines specifically?

9                   Q. Yes.

10                  A. I think they give direction about the  
11 implication of forestry activities as they impinge on  
12 deer, but they don't give specific reference to tending  
13 activities. But the ideas or the concepts that are  
14 involved in dealing with the harvest systems talks  
15 about harvesting in the Great Lakes/St. Lawrence or  
16 harvesting in the boreal forest, deer range, and  
17 because these systems incorporate packages that involve  
18 tending, it's implied that tending activities would be  
19 part of what a biologist might look over or scrutinize  
20 if he's assessing any particular project.

21                  Q. Right. Like for example, on page 3,  
22 section 1.5, that seems to have some discussion there  
23 on tending and maintenance; is that not correct?

24                  A. That's right.

25                  Q. Would these guidelines be one of the

1 ways that you would attempt to mitigate any negative  
2 impacts from the whole menu, a whole suite of timber  
3 management activities in the Great Lakes/St. Lawrence  
4 forest on deer?

5 A. Yes, it's one of the ways that it  
6 points up or keeps in front of the wildlife biologist  
7 as he's evaluating timber management plans.

8 Q. So in your evidence when you mention  
9 impacts to be mitigated, this would be one of the  
10 mechanisms whereby that would be achieved?

11 A. This might be one of the mechanisms.  
12 This particular one refers specifically to improving  
13 cover and, in this case, we would be looking at the  
14 kind of tending that would be done to perpetuate or to  
15 increase the speed at which a coniferous stand might  
16 develop.

17 Q. Well, I'm going to get into detail.  
18 I just wanted to confirm that this in fact dealt with  
19 tending and maintenance. I think we have confirmed  
20 that. I would like to look on the first page and the  
21 third paragraph there.

22 THE CHAIRMAN: Sorry, what page are you  
23 on?

24 MR. HANNA: I'm sorry, Mr. Chairman, it's  
25 page 1. It actually isn't numbered, it's the summary,

1 the first page...

2 THE CHAIRMAN: Okay. The third  
3 paragraph?

4 MR. HANNA: Yes, sir.

5 Q. Mr. Buss, maybe you could just take a  
6 moment and just read that third paragraph, first.

7 MR. BUSS: A. Yes.

8 Q. Now, it indicates here that the  
9 guidelines provide a broad consistent approach that is  
10 applicable throughout the deer range and also they are  
11 based on extrapolating known information; is that  
12 correct?

13 A. That's correct.

14 Q. Would you agree with me that the deer  
15 guidelines are, in a sense, instructions to wildlife  
16 biologists and foresters as to good habitat -- good  
17 deer habitat management?

18 A. Well, they are instructions, yes, in  
19 that they provide a vehicle to integrate wildlife and  
20 timber management objectives. If you were managing an  
21 area solely to produce deer, you might have different  
22 instructions than you have in here. But these  
23 recognize the timber values that are being managed on  
24 the same piece of land.

25 Q. And they apply over a broad area, the

1 area of the range of the deer?

2 A. That's correct.

3 Q. I would like to discuss with you a  
4 comment you made in your oral evidence that seems, in  
5 my view, to contradict what is said here and what seems  
6 to be the purpose of these guidelines.

7 Specifically I'm referring to Volume 110,  
8 page 18330. There is a question there that asks you --

9 MR. FREIDIN: What page, I'm sorry?

10 MR. HANNA: I'm sorry, it's 18330.

11 MR. FREIDIN: What line?

12 MR. HANNA: Line 10, I'm going to  
13 actually go from line 10 on to page 18331 to line 8.

14 MS. MURPHY: Does the Board require a  
15 copy?

16 THE CHAIRMAN: Not if you are just going  
17 to read the question in? Are you going to read the  
18 question?

19 MR. HANNA: Yes, that's all.

20 THE CHAIRMAN: Or the statement.

21 MR. HANNA: I can read the question in,  
22 yes.

23 THE CHAIRMAN: Okay.

24 MR. HANNA: Q. To assist the others, Mr.  
25 Buss, I will just -- perhaps, it's your answer, why

1       don't I get you to read the question and the answer in,  
2       if you would, please?

3                    MR. BUSS: A. Okay. The question was:  
4                    "And you talked about those instructions.  
5                    In your view, could you ever make those  
6                    written instructions clear enough and  
7                    detailed enough to meet every potential  
8                    misunderstanding?"

9                    It was Ms. Murphy's question. And my  
10          response was:

11                  "I don't believe so. It's important to  
12          recognize that the planning process needs  
13          to be responsive to local conditions. In  
14          creating rules and practices useful in  
15          one area and applying them over the  
16          entire area of the area of the  
17          undertaking, are very likely going to be  
18          unnecessary restrictions on timber  
19          management in other areas. That makes  
20          the process cumbersome and it would very  
21          likely and does divert effort from making  
22          proper decisions based on actual site  
23          specific knowledge."

24                  Do you want me to read the example too?

25                  Q. Yes, I think the example is quite

1 appropriate in fact.

2                   A. "For example, hemlock is not a  
3                   preferred cover species in all parts of  
4                   the deer range in Ontario and  
5                   prescriptions for operations in deer  
6                   winer habitat might very well be  
7                   different for that reason in other parts  
8                   of the deer range. So if we were to have  
9                   a rule about it in one place it may not  
10                  be something that even needs to be  
11                  considered in another. You would have to  
12                  deal with the specific conditions on  
13                  every particular site."

14                  Q. Thank you, that is -- now, as I  
15                  understand it, deer guidelines are in fact intended to  
16                  do precisely what you said you can't do?

17                  A. No, the deer guidelines are not  
18                  designed to give instructions for every particular site  
19                  in the deer range. What I said was, what was intended  
20                  there was that instructions that might deal with how  
21                  you would treat the cover in a hemlock situation might  
22                  be very different from how you might treat cover if the  
23                  cover species was balsam fir or jack pine, say, in  
24                  northwestern Ontario.

25                  If you had written the prescription only

1 to deal with cover as it applies in the part of the  
2 Algonquin region that I work with, it would take into  
3 account the silvics of hemlock and the importance of  
4 hemlock there, it wouldn't necessarily -- you couldn't  
5 necessarily apply that prescription in Fort Frances.

6 Q. Okay. Well, let's limit ourselves  
7 then to the Great Lakes/St. Lawrence Forest because in  
8 fact I believe, in the summary they make some reference  
9 to the fact that there are these outlying areas such as  
10 you have just described, the Fort Frances Kenora type  
11 zone.

12 THE CHAIRMAN: What do you mean by  
13 outlying areas, there is the rest of the province.

14 MR. HANNA: Well, I was referring to  
15 those deer range parts, Mr. Chairman. I was not  
16 suggesting those parts of the province are not  
17 relevant.

18 These guidelines make specific reference  
19 to the Great Lakes/St. Lawrence and I think one of the  
20 foresters can tell us that that is not part of the  
21 Great Lakes/St. Lawrence Forest.

22 MR. HYNARD: Out around Kenora, yes, the  
23 Great Lakes/St. Lawrence Forest does extend in  
24 northwestern Ontario.

25 MR. HANNA: Well, thank you, Mr. Hynard.

1 I think the point, Mr. Chairman, this was intended --  
2 these are a set of instructions that are intended to  
3 apply over a broad area of the deer habitat and I'm  
4 not -- perhaps there is some suggestion here that  
5 wouldn't be appropriate in that particular case, but we  
6 have here a set of instructions that are intended to  
7 apply over a broad area and deal both with the conifer  
8 type situation Mr. Buss has given us in terms of  
9 hemlock, they deal with cedar and I believe in fact  
10 they talk about conifer in general.

11 So that there is a way to deal with the  
12 broad complexity in our province and this provides, in  
13 my view, a way to deal with it. I'm just trying to  
14 understand -- maybe it's words that we are hung up with  
15 here, there's a difference between a rule and an  
16 instruction.

17 THE CHAIRMAN: All right. What is the  
18 specific question?

19 MR. HANNA: Q. Are the deer guidelines  
20 applicable over the area of the undertaking in which  
21 this featured species occurs?

22 MR. BUSS: A. Yes.

23 Q. And we have established they are  
24 instructions to biologists and foresters. Well, still  
25 I guess I have this difficulty understanding your

1 statements that we just read and the fact that we have  
2 these guidelines that do suggest that you can develop  
3 broad rules that apply across a large area.

4 MR. FREIDIN: Mr. Chairman, I don't know  
5 whether Mr. Hanna is getting on to the evidence and  
6 matters discussed, starting in Panel No. 8 we were  
7 talking about what guidelines are, whether they are  
8 rules, how are they used, whether they are instructions  
9 that must be followed according to the very letter in  
10 the particular paragraph.

11 That sounds to me like where we are  
12 going, and if that is where we are going, I would  
13 respectfully submit we are wasting the time of everyone  
14 here.

15 MR. HANNA: That is not where I was  
16 intending to go, Mr. Chairman.

17 THE CHAIRMAN: Okay. Well, Mr. Hanna, we  
18 are dealing with tending and renewal and those kinds of  
19 activities in this panel. What specifically do you  
20 want to ask Mr. Buss concerning the guidelines that  
21 will impact on those activities.

22 MR. HANNA: Well, this is oral evidence,  
23 Mr. Chairman, I was referring to and it is a paper that  
24 certainty edited and whatever, and I would just perhaps  
25 just make a comment here, that it's a difficulty that

1 you always have in a case this large and; that is, I  
2 suppose I could have said I would like to speak to the  
3 deer guidelines in Panel 8 when they were introduced  
4 and asked Mr. Buss to come forward at that time, but I  
5 now have this gentlemen forward.

6 THE CHAIRMAN: Well, when you dealt with  
7 the deer guidelines -- when the deer guidelines were  
8 dealt with in Panel 8, that panel could have been asked  
9 questions about them; could they not?

10 MR. HANNA: Well, certainly, but I would  
11 have thought the author or someone who edited them and  
12 had an integral input into them would be appropriate.

13 I believe this witness has also come  
14 forward in his oral evidence and in his written  
15 evidence saying these are -- and he's already confirmed  
16 with me that these are in fact mitigation measures that  
17 would be used in terms of tending and maintenance.

18 MR. BUSS: Mr. Hanna, maybe I can help if  
19 you just go to the next paragraph in that first page of  
20 the guidelines it says:

21 "However, because of the many local  
22 factors affecting the requirements for  
23 protection, it is not possible to specify  
24 guidelines that will be adequate in every  
25 case. Local managers should, therefore,

1                   use their discretion in adapting the  
2                   guidelines to the needs of site-specific  
3                   situations."

4                   And when I used the example of the  
5                   protection of hemlock shelter in the particular cut in  
6                   which I was involved, that is exactly what I was  
7                   talking about, was a site-specific situation.

8                   And the guidelines recognize that they  
9                   will not be able to give that kind of information nor  
10                  is it intended to give that kind of site-specific  
11                  information across the entire deer range. Does that  
12                  help clarify?

13                  THE CHAIRMAN: Mr. Buss, do you disagree  
14                  with anything that is contained on the first page of  
15                  this summary.

16                  MR. BUSS: No, I don't.

17                  MR. HANNA: Q. Just one other point of  
18                  clarification on that first page, if you could, Mr.  
19                  Buss. The last paragraph talks about areas of  
20                  particular concern. Do you see that in the first  
21                  words?

22                  MR. BUSS: A. Yes, I do.

23                  Q. Is that synonymous with areas of  
24                  concern as the Board last heard here on numerous  
25                  occasions?

1                   A. I don't think you could actually  
2                   equate what we have referred to as areas of concern to  
3                   the timber management planning process equally, but we  
4                   are talking about areas of concern in the wildlife  
5                   manager's mind; in other words, the wildlife manager  
6                   has made a decision that this is an area of concern for  
7                   me, how am I going to deal with it.

8                   He would try and deal with it then  
9                   through the planning process and an area of concern as  
10                  a timber planning manual defines it.

11                  Q. So these guidelines apply to areas of  
12                  concern or normal operating areas?

13                  A. They could apply to both, at least in  
14                  the application that I have seen them used, the way  
15                  that I am familiar with using them, we apply them to  
16                  both.

17                  Q. How would the deer manager decide --  
18                  there is four, what you have called here, areas of  
19                  particular concern, there's four categories of those  
20                  listed there.

21                  A. That's right.

22                  Q. Conifer, shelter, permanent opening,  
23                  second growth deciduous forest and special feeding areas.

24                  A. That's right.

25                  Q. Now, how would the biologist on the

1           timber management planning team decide whether those  
2         were real areas of concern or areas of particular  
3         concern?

4                   A. Okay. I think in the process there  
5         is allowance as in the timber management planning  
6         process, there's allowance for dealing with AOCs and  
7         area of concern in the process for winter shelter.  
8         It's one of those components of deer range that we have  
9         historical information on; that is, the location of  
10       them, how they change from year to year and they are  
11       fairly well documented.

12                  And so those we can treat; in other  
13       words, we know on a values map that our winter deer  
14       areas will show up and because they are critical to  
15       deer survival, particularly in the northern parts of  
16       the range; that is, in the Algonquin area north, they  
17       become AOCs under the process.

18                  In other words, we are concerned about  
19       the kind of operations that are going to go on there  
20       that will affect the quality and quantity of winter  
21       shelter for deer.

22                  On the other hand, if you are talking  
23       about permanent openings and I should make a  
24       distinction here, we are not talking about areas --  
25       like, a clearcut is not a permanent opening, the

1       clearcut is a cut and you will expect a regeneration of  
2       another crop there at some point in time whether it's  
3       going to grow back in trees.

4                   A permanent opening is one that is going  
5       to stay in the shrub or for grass stage and we are  
6       going to perpetuate that. We wouldn't have, because we  
7       traditionally do not have the kind of money to deal  
8       with creating forest openings; that is, the wildlife  
9       budget doesn't, but we recognize the importance of  
10      openings as a component in deer habitat and that is why  
11      it's one of the four areas of concern within this - and  
12      I don't want to confuse this with timber management -  
13      it's one of the areas we are concerned about in the  
14      guidelines.

15                  So this is more of an integrated approach  
16       in terms of producing these because forestry activities  
17       do produce openings that can be managed to be permanent  
18       and one of them, one of the kinds of openings are log  
19       landings. So for a wildlife manager, we are looking at  
20       his unit and he's evaluating, he's says: Gee, the  
21       guidelines say we should have -- 5 to 15 per cent of  
22       the deer range should consist of permanent openings.

23                  And I can give you the figures for the  
24       Frost Centre Management Unit, it's about -- I think  
25       it's less than one per cent of the area is in permanent

1 openings.

11 So that wouldn't show up on a values map;  
12 in other words, on the TMP map you wouldn't see areas  
13 of concern around all the log landings, we don't even  
14 know where they are all going to be, but if we had an  
15 opportunity to make use of one through that kind of  
16 management, that is what we would try and do.

17 Q. Thank you. Now, in the moose  
18 guidelines - and I don't really need to refer to them -  
19 I think there is very specific areas of concern that  
20 are set out their for mineral licks and calving sites  
21 and late winter concentration?

22 A. That's correct.

23 Q. There isn't a comparable type of sort  
24 of description of what is an area of concern in terms  
25 of deer in these guidelines.

1                   THE CHAIRMAN: You mean an area of  
2                   particular concern with respect to moose. I mean, you  
3                   just went through an explanation, Mr. Hanna, as to what  
4                   the differences were in his mind vis-a-vis the deer  
5                   guidelines as to using the words areas of particular  
6                   concern for wildlife management as opposed to areas of  
7                   concern in timber management planning process.

8                   MR. HANNA: Yes, I understand that part,  
9                   Mr. Chairman.

10                  THE CHAIRMAN: Now you are asking: Is  
11                  there a comparable description in the moose guidelines?

12                  MR. HANNA: No, it was the other way  
13                  around. The moose guidelines say these are what we  
14                  will determine as being areas of concern.

15                  THE CHAIRMAN: For the planning process,  
16                  for the timber management planning process?

17                  MR. HANNA: Yes, sir. Yes. And all I'm  
18                  asking the witness, that is stated very clearly in the  
19                  moose guidelines. I'm just asking, putting aside the  
20                  areas of particular concern and talking specifically  
21                  about areas of concern, is there an enumeration of what  
22                  will be areas of concern with deer, or is that left to  
23                  the discretion of the biologist at the time, and he  
24                  said: Well, in this particular case this will be an  
25                  area of concern and it's really a more discretionary

1 sort of thing.

2 THE CHAIRMAN. Okay. What is the answer  
3 to that question?

4 MR. BUSS: I don't think the two are  
5 equateable. In other words, I don't think in the  
6 timber management planning process, because the deer  
7 management guidelines are not approved as a provincial,  
8 we are only looking at a draft here and very likely  
9 this thing is going to go through some more revision  
10 before it becomes the kind of document that the moose  
11 guidelines are. And also the moose guidelines have  
12 policy with them that indicate how they are bto be  
13 applied.

14 At this point in time the deer guidelines  
15 do not have that sort of policy direction and so they  
16 are still in the sort of general form that they are in.  
17 But I can tell you, in terms of cover, which is  
18 probably one of the most critical components, and Mr.  
19 Hynard can tell you too because he's working on an  
20 adjacent unit, that the wildlife people are very  
21 concerned about cover, the amount of it, where it is  
22 and what condition it is in and they treat them as  
23 areas of concern in the planning process, I would  
24 presume.

25 MR. HYNARD: Yes, that is absolutely

1           correct.

2           MR. HANNA: Q. Now, I appreciate the  
3         difference of status and I think I appreciate your  
4         clarification on that. I just -- what I was really  
5         asking the question for, I'm just trying to get a  
6         flavour for the difference not in the policy status of  
7         it and it's --

8           THE CHAIRMAN: Well, Mr. Hanna, he just  
9         indicated that they haven't reached the stage yet, as I  
10       understood your answer, to contain the designations of  
11       areas of concern the way the moose guidelines did.  
12       They may in the future, but they haven't reached that  
13       stage.

14           Is that what you are saying?

15           MR. BUSS: That's correct.

16           MR. HANNA: I understand, Mr. Chairman.  
17         I wasn't -- I accept that and I'm trying to just -- I'm  
18         going to put another question to him and just so he  
19         understands where I'm going with the question.

20           THE CHAIRMAN: Where are you going?

21           MR. HANNA: I'm trying to go through and  
22         look at these particular guidelines and see how they  
23         apply in terms of tending and maintenance and how they  
24         compare to the moose guidelines in terms of that  
25         activity and what there effectiveness, efficiency might

1       be in terms of mitigation as compared to the moose  
2       guidelines.

3                     THE CHAIRMAN: Go ahead.

4                     MR. HANNA: Q. Can we look at page 2.

5       In fact I believe these are organized according to  
6       those four areas of particular concern that are listed  
7       on page 1; is that correct?

8                     MR. BUSS: A. Are we in the deer  
9       guidelines now?

10          Q. I'm sorry, yes, Mr. Buss. I think  
11       there is four sections and each of the four sections  
12       pertains to the four areas of particular concern?

13          A. That's correct.

14          Q. Now, if you look at the first  
15       paragraph under conifer shelter, rather than talk about  
16       an area of concern you are talking about a proportion  
17       of the forest -- the whole forest estate; is that not  
18       correct? I think you have described that in the  
19       permanent opening example which you just described.

20          A. I think these -- the intention is for  
21       these to be applied at the unit level; in other words,  
22       wildlife management unit level.

23          Q. As opposed to the moose guidelines  
24       which tend to focus on these areas of concern type of  
25       approach?

1                   A. That's right.

2                   Q. Now, I think you indicated to us that  
3                 these are draft and they aren't in final form, there  
4                 may be further revisions. In your witness statement  
5                 you indicate that they were in press.

6                   Now, does that mean a new draft is in  
7                 press, or is that the final version that is -- at least  
8                 as final as it is at the present time. What does that  
9                 in press mean, if I could?

10                  A. Well, at the time that Mr. Galley and  
11                 I edited this particular draft it was our understanding  
12                 that it was going to be the draft, that would receive a  
13                 last circulation and, therefore, would form the  
14                 guidelines.

15                  You can see the date on this is March,  
16                 1986, and at this point it's not in our hands, it's in  
17                 the hands of Wildlife Branch in Toronto, our main  
18                 office, and I don't know -- I can't speak for what the  
19                 status of these are.

20                  Q. That's fine. The reason I was asking  
21                 the question, I am just trying to get a sense of how  
22                 different the change, because the question I want to  
23                 put to you is:

24                  In this version I didn't see any  
25                 reference to deviation reporting in the same way that

1 we had -- and we have been through it, the Board has  
2 been through the whole matter of deviation reporting  
3 with the moose guidelines, and there isn't a comparable  
4 deviation clause in the deer guidelines; is that  
5 correct?

6 A. No, there isn't.

7 Q. And in the version that's in press,  
8 is there a deviation clause?

9 A. Not that I know of.

10 THE CHAIRMAN: Mr. Buss, do you know of  
11 any other document other than this that is presently  
12 circulated, being circulated, being printed, being  
13 distributed? Do you know anything other than what is  
14 in this document?

15 MR. BUSS: No.

16 THE CHAIRMAN: Do you have any idea what  
17 changes might be made to this document in any future  
18 version?

19 MR. BUSS: No, I am not sure. I have an  
20 indication that there are people at our main office and  
21 research branch that were part of the review process,  
22 again, of this draft and that based on some current  
23 research that is going on in the province they want to  
24 amend them; in other words, they figure there is some  
25 better science available.

1                   And since the things have been in  
2 preparation for seven or eight years, they figure they  
3 want to incorporate this data that's specific to  
4 Ontario, part of the central deer range in that next  
5 draft.

6                   That's my understanding. I think that's  
7 why we don't have another document.

8                   THE CHAIRMAN: But you have do idea what  
9 those amendments might be?

10                  MR. BUSS: Specifically I don't have an  
11 idea what they are.

12                  MR. HANNA: A. Now, you had indicated  
13 these guidelines are intended to apply to the whole  
14 unit, and the whole unit in terms of -- both in an  
15 areal way and in terms of the full suite of timber  
16 management activities; is that correct?

17                  MR. BUSS: A. Could you repeat that?

18                  Q. Certainly. I believe you indicated  
19 that these guidelines are somewhat different than the  
20 moose guidelines, in that they are intended to apply to  
21 at the unit level rather than the area of concern  
22 level, and that they are also intended to deal with, in  
23 that area, the full suite of timber management  
24 activities that the Board has heard about.

25                  A. As they affect deer.

1                   Q. Correct.

2                   A. And operable in this draft is -- even  
3 at paragraph 1 where it talks about conifer shelter, on  
4 page 2 it says ideally. So we are talking about an  
5 ideal situation here. This isn't a guideline that says  
6 you must provide, it says ideally deer range should  
7 have 10 to 30 per cent, and I think that is the way  
8 this is approached.

9                   Q. Yes. I wasn't just trying to suggest  
10 that these are the discretionary versus mandatory  
11 thing. I will put that aside and I am not going to  
12 deal with that, that's not the point of my questions at  
13 all.

14                  You've hit on this point of ideally and I  
15 believe that in fact these guidelines provide ideal  
16 type of directions to the biologist for each of the  
17 four areas of particular concern that are discussed in  
18 these guidelines; is that correct?

19                  A. That's correct.

20                  Q. Now, rather than go through this all  
21 with the Board, I have just done a little calculation,  
22 just added the 10 to minus 30 per cent and whatever and  
23 I come up with these guidelines applying at a minimum  
24 to 55 per cent of the forest. In other words, if  
25 you --

1                   THE CHAIRMAN: No, no, hold on.

2                   MR. FREIDIN: Well...

3                   THE CHAIRMAN: Okay. Make your  
4 objection, Mr. Freidin.

5                   MR. FREIDIN: He's come up with these  
6 numbers. If he wants to put some numbers to the  
7 witness and see whether he will confirm them -- confirm  
8 the numbers, I mean that's one thing.

9                   And if he has now done calculations based  
10 on the ideal that are in here, I don't know how much  
11 help that's going to be having regard to the evidence  
12 that we have heard from this witness and from Dr. Euler  
13 on how you deal with guidelines which set out the  
14 ideal.

15                  MR. HANNA: I am willing to ask the  
16 witness the specific question, Mr. Chairman.

17                  THE CHAIRMAN: Well, please do.

18                  MR. HANNA: A. Mr. Buss, in Section 1  
19 the ideal minimum is 10 per cent for conifer cover;  
20 correct.

21                  MR. BUSS: A. That's correct. That's  
22 what it says here.

23                  Q. And on Section 2, under Permanent  
24 Openings, the ideal minimum is 5 per cent; correct?

25                  A. That's correct.

1                   Q. And under Second Growth Forest the  
2 ideal minimum is 40 per cent; correct?

3                   A. That's correct.

4                   Q. That adds up to 55 per cent?

5                   A. That's correct.

6                   THE CHAIRMAN: So what is the point of  
7 that?

8                   MR. HANNA: So what this provides is  
9 direction to the biologist as to the ideal, at least  
10 for 55 per cent of the forest estate.

11                  MR. FREIDIN: Maybe you can ask the  
12 witness if that's what it says.

13                  THE CHAIRMAN: Is that what it means, Mr.  
14 Buss?

15                  MR. BUSS: It gives a range, because in  
16 any given situation you may not want to improve the  
17 deer range to that extent.

18                  And I think if you look at the Algonquin  
19 region right now, in the past seven to eight years the  
20 deer population has been increasing to the point we are  
21 not sure we can control it.

22                  It wouldn't make much sense to apply  
23 these guidelines to a hundred per cent of that deer  
24 range when we have got, in effect, deer coming out of  
25 our ears. So in that case we may not want to provide

1           the ideal.

2                         The other thing is that the ideal, when  
3           you get to that point, if you want to include the whole  
4           hundred per cent, you have to realize that that is  
5           going to be at the expense of some other activity and  
6           it may be at the expense of forestry. And since  
7           forestry is an important activity in the Algonquin  
8           region I don't think we are going to reach the ideal  
9           and treat a hundred per cent of that range. . . .

10                  MR. HANNA: Q. I wasn't suggesting that  
11           in any way either, Mr. Buss, simply the fact that --  
12           and you have these tradeoffs that you have to make and  
13           if you have got too many deer, then you obviously  
14           aren't as concerned about deer habitat and whatever.

15                  Simply what I am really getting at is the  
16           basic thrust of these guidelines and comparing them to  
17           the moose guidelines and there is a quite a different,  
18           if you will, philosophical basis that these guidelines  
19           are developed on, the whole look at the unit rather  
20           than the area of concern approach.

21                  THE CHAIRMAN: Well, firstly, Mr. Hanna,  
22           I don't think it is all that productive to compare  
23           these guidelines which are in draft form - we have  
24           indications from the witness that they are undergoing  
25           serious reconsideration at the present time - and

1 trying to compare them with an established provincial  
2 policy in the form of the moose guidelines.

3 It makes no sense to deal with a  
4 speculative document which is here in draft form and it  
5 is clearly stated to be in draft form, and we know that  
6 they are reconsidering the whole question based on the  
7 Ontario experience to date and what we may find in  
8 actuality will be a very different set of guidelines.

9 Is that not a fair statement?

10 MR. BUSS: Yes, I think so.

11 THE CHAIRMAN: And, therefore, the Board  
12 finds it difficult to see what the value is of trying  
13 to compare these draft guidelines with established  
14 provincial policy in the form of the moose guidelines.

15 MR. HANNA: Thank you, Mr. Chairman. I  
16 think I will move on with the next subject.

17 Just before I do, the only thing I would  
18 say is that this has been put forward as one of the  
19 mitigating measures. And while I appreciate it is  
20 draft form and whatever, it makes it very difficult to  
21 deal with it in the fact that it is a draft form and  
22 whatever. I appreciate what you have said --

23 THE CHAIRMAN: Well, it is put forward  
24 because it is a document that's in existence. That  
25 doesn't necessarily mean that it has reached the stage

1 where it is going to become policy or become mandatory  
2 or even a guideline in the sense that it should be  
3 adhered to.

4 I am sure if the Ministry didn't put it  
5 forward, Mr. Hanna, and you found out about its  
6 existence you would be the first to raise it: Why  
7 didn't they mention it.

8 MR. HANNA: Thank you.

9 THE CHAIRMAN: Particularly when it is  
10 their draft guideline.

11 MR. HANNA: Q. Mr. Buss, I would like to  
12 move on to your witness statement, if we might, please.  
13 And I would like to go through with you the document  
14 that you authored with Dr. Allin. I believe it begins  
15 on 357 of the witness statement; is that correct?

16 MR. BUSS: A. The particular part  
17 dealing with aquatic environment begins on 362.

18 Q. Whereas I added the cover page, but  
19 that's fine. Now, you are responsible for the  
20 terrestrial and socio-economic portions of this report;  
21 is that correct?

22 A. Yes.

23 Q. On page 360 you indicate that it  
24 appears there is little potential for direct impacts  
25 from tending. And I would simply ask: Has the

1 Ministry any studies undertaken for this Timber  
2 Management Environmental Assessment or for other  
3 purposes regarding the impacts of tending on wildlife?

4 A. Not to my knowledge.

5 Q. Can we move to page 367, please.

6 Now, I believe the first paragraph there, part  
7 paragraph at the top of the page talks about depending  
8 on different species and their relationship to  
9 commercial trees, they could be affected differently;  
10 is that correct?

11 A. That's correct.

12 Q. Now, I discussed in some detail with  
13 Mr. Hogg in Panel 11 the matter of stand conversions  
14 and, in that case, we were talking about regeneration.  
15 Would you agree with me that regeneration is where  
16 stand conversion begins and tending is the finishing  
17 touch to achieving that end?

18 A. Only if you are changing the  
19 composition of the stand.

20 Q. No, my question was very specific to  
21 stand conversion. So if I want to achieve stand  
22 conversion, I first have to plant the trees, then I  
23 have to tend them, if you will, they go one -- hand in  
24 hand, I plant them and then the tending is the  
25 finishing touch in that sense; in other words, that's

1 what allows me to ultimately achieve my objective there  
2 in converting that stand?

3 A. It could be done by artificial  
4 planting, it could be done by effecting tending on the  
5 natural regeneration that's there, but tending is a  
6 part of the conversion that you would have to -- or  
7 part of the treatment that would help convert the  
8 stand, that's correct.

9 Q. Would you agree with me that the  
10 intensity of tending affects the degree to which  
11 conversion is successful?

12 A. I am not sure I am qualified to deal  
13 with that.

14 Q. Mr. Hynard?

15 MR. FREIDIN: Well, Mr. Chairman, this  
16 matter was canvassed at length in Panel No. 11  
17 cross-examination by Mr. Hanna. He asked about  
18 conversion, he asked...

19 THE CHAIRMAN: No, I think, Mr. Freidin,  
20 he is trying to get at whether or not tending -- the  
21 activity of tending has a direct impact on the stand  
22 conversion. I think that's a fair question for this  
23 panel.

24 MR. FREIDIN: All right. But, Mr.  
25 Chairman, I think that question has already been dealt

1 with. The question at page 17623 of the transcript  
2 says to Mr. Hynard:

3 "Is there not..."

4 And I am paraphrasing it:

5 "...a basic issue that the forester is  
6 always trying to deal with, is that not  
7 why we have herbicide spraying in terms  
8 of site preparation and maintenance..."

9 Et cetera, et cetera, et cetera,

10 "...to get as high a softwood component  
11 in the stand as possible?"

12 And it was all in relation to a lengthy discussion on  
13 conversion and the answer was:

14 "Well, the fact that hardwood regenerate  
15 naturally, so prolifically..."

16 He went on:

17 "The fact that we conduct those  
18 activities in order to restore that  
19 competitive balance back to conifer, does  
20 not mean that we eliminate the hardwood  
21 component of the stand, not at all..."

22 And he went on, and Mr. Hynard gave an explanation.

23 Do we have to do it again?

24 THE CHAIRMAN: Well, I think, Mr. Hynard,  
25 you are a member of this panel, can you quickly answer

1       Mr. Hanna's question: Is tending sort of the end  
2       activity in terms of stand conversion?

3                    MR. HYNARD: It's part of that, an  
4       inseperable part of that silvicultural package. And if  
5       the package is intended to do working group conversion,  
6       to convert from one working group to another, then  
7       tending would be or could be an essential part of that  
8       package, yes.

9                    MR. HANNA: Thank you, Mr. Hynard.

10                  Q. Now, in the next paragraph there, Mr.  
11       Buss, you emphasize that artificial tending parallels  
12       natural processes; is that correct?

13                  MR. BUSS: A. That's correct.

14                  Q. Is not the activity of stand  
15       conversion in fact an attempt to, if you will, conquer  
16       natural succession and to shift that natural succession  
17       course to one that is preferential for forestry?

18                  MR. HYNARD: A. I think the purposes of  
19       stand conversion and a description of it and a full  
20       explanation of it was given in Panel 11, both in direct  
21       evidence, cross-examination and re-examination.

22                  Q. I appreciate your comments there, Mr.  
23       Hynard.

24                  THE CHAIRMAN: Well, let's approach it  
25       this way, Mr. Hanna. Mr. Buss, what do you mean by the

1 statement you made in this paragraph, that tending  
2 parallels natural processes?

3 MR. BUSS: Well, here I am thinking  
4 primarily of what we had looked at in the diagram that  
5 Mr. Euler had used in Panel 10 in his evidence where he  
6 looked at the stand development in the boreal forest.

7 And I said that the stand in the boreal  
8 forest is going to go to -- it may be a mixed stand,  
9 but it is going to go to a boreal, either coniferous or  
10 mixed wood stand by itself whether we tend it or not,  
11 the process is going to take it that way.

12 And that what is happening by the  
13 interventions in terms of tending is speeding that  
14 process, it is changing the rate at which we get there.  
15 And I indicated that, yes, this could truncate wildlife  
16 succession that might normally take place in that  
17 stand.

18 If you want to know: Is there an impact  
19 on wildlife, yes, there can be an impact on wildlife  
20 definitely.

21 MR. HANNA: Q. But I think the point is  
22 simply this, that natural succession might take it to a  
23 mixed wood stand, tending might take it to, I think in  
24 your words, a conifer stand?

25 MR. HYNARD: A. I think there was a lot

1 of evidence given on stand conversion in Panel 11 and  
2 Mr. Freidin's absolutely right, if we want to raise one  
3 aspect of stand conversion, we are going to have to  
4 reopen the whole thing again so that it is all  
5 presented in its proper balance again.

6 Q. Well, this is Mr. Buss' witness  
7 statement. I believe that's the essence of what he is  
8 talking about. In fact, I think --

9 THE CHAIRMAN: Well, okay. Mr. Hanna,  
10 ask some specific questions to Mr. Buss. I asked him  
11 the question: What does he mean by tending  
12 parallelling natural processes, he has given an answer.

13 What is your next question?

14 MR. HANNA: Q. Well, my question was,  
15 and I haven't got an answer to it yet, and that is: Is  
16 it really parallel when in fact the natural success  
17 would take it to one end point and tending might take  
18 it to a different end point.

19 Is that -- that to my mind is not  
20 parallel, and I am just trying to get that clarified  
21 with the witness.

22 MR. BUSS: A. Yes, okay. Ask me the  
23 question again because I think I know what you are  
24 getting at, but I want to hear it again.

25 Q. You have indicated here that tending

1 tends to parallel natural succession except that it  
2 truncates it and moves it into the mature stages more  
3 quickly?

4                   A. That's right.

5                   Q. Now, what I am asking is you is that  
6 natural succession might lead you to what might be  
7 called a poplar working group--

8                   A. Yes.

9                   Q. --if you did nothing. And if you  
10 come in and you actively manage the site, you might end  
11 up in a black spruce working group?

12                  A. Yes, at either ends of the scale that  
13 could happen.

14                  Q. So it isn't parallel, you are  
15 actually changing the composition of the stand and in  
16 it is quite -- in that sense, not parallel to the  
17 natural succession?

18                  A. There can be different outcomes  
19 through natural succession too. I assume you are  
20 talking about secondary succession here after a harvest  
21 or after a fire, and the end results might be different  
22 there as well.

23                  MR. GALLOWAY: A. Just from my boreal  
24 experience, to add to Mr. Buss' comment, the natural  
25 procession does include that fire ecology as well and

1 Mr. Buss is exactly right, where the succession  
2 proceeds without fire it would gradually become mixed,  
3 especially on productive sites.

4                   But in fact the natural side of that  
5 would be with fire and, in that situation, is where the  
6 black spruce and jack pine especially, as well as aspen  
7 on the pure aspen sites, competes successfully in that  
8 it being pioneer species and the end result would be  
9 jack pine or black spruce in those cases because of  
10 that fire intervention in the natural ecology of that  
11 area.

12                  MR. HYNARD: A. And there is also  
13 evidence contained on pages 122 to 125 of the statement  
14 of evidence on the manner in which tending parallels  
15 natural processes.

16                  Q. Now, there has been some discussion  
17 in the past as to what actually constitutes the stand  
18 conversion issue and this question of whether it is a  
19 pure monoculture or whether it is a stand with 70 or 80  
20 per cent conifer component.

21                  Mr. Buss, if you went from, say, 10 per  
22 cent conifer to 70 to 80 per cent conifer, could that  
23 have significant impacts on the wildlife community?

24                  MR. BUSS: A. Definitely.

25                  Q. All factors being equal, would you

1 expect such a change to increase or decrease, for  
2 example, moose populations in the area of the  
3 undertaking if this were to occur extensively?

4 A. If it were to occur extensively it  
5 could have the effect of depressing a moose population  
6 or at least degrading the quality of the range.

7 Q. Are you familiar with the concept of  
8 cumulative environmental impacts?

9 A. I think I have an understanding of  
10 what is meant by the term, yes.

11 Q. Would you agree that progressive  
12 stand conversions could be seen as a form of cumulative  
13 environmental impacts?

14 A. Yes.

15 Q. Are you aware that there is  
16 considerable research ongoing in Canada and elsewhere  
17 regarding this topic and that includes the subject of  
18 forest management?

19 A. I am not familiar with any particular  
20 research in that regard, but I take your word for it  
21 that it is going on, yes.

22 Q. Well, I am prepared to provide to  
23 my --

24 MR. HANNA: I understand Ms. Cronk's  
25 wish. I have material here from the Canadian

1       Environmental Assessment Research Council, I am happy  
2       to provide to other parties if they wish to see it.

3                   I am not introducing it into evidence,  
4       Mr. Chairman.

5                   THE CHAIRMAN: Well, the witness has  
6       indicated he is not familiar with it. What good is it  
7       producing it?

8                   MR. HANNA: No, I was just doing that for  
9       the -- I had been told before that when I make  
10      reference to something, I should be prepared to produce  
11      it, and I am just saying, I can show it to other  
12      parties. I am not going to continue with this witness  
13      on it at all.

14                  THE CHAIRMAN: Well, you can produce it  
15      to whoever you want, if you like, but if it is not  
16      going to be introduced to this witness, then it won't  
17      form part of the evidence for this panel.

18                  MS. CRONK: Mr. Chairman, I think in  
19      fairness to Mr. Hanna, what he is referring to was, as  
20      I understand it, I discussed with him, in light of what  
21      occurred last week during cross-examination, the  
22      obligations that attaches to an examining person,  
23      lawyer or otherwise, when they suggest that something  
24      is a fact and the witness can't confirm that it is a  
25      fact, the person who suggested it must prove it.

1                   It does apply to the question that he  
2 just put and how he chooses ultimately to prove it is  
3 his business and mine if he doesn't.

4                   THE CHAIRMAN: Okay.

5                   MR. HANNA: I take that advice and  
6 warning. I was only doing it just to try and do that,  
7 Mr. Chairman, I am sorry.

8                   THE CHAIRMAN: Okay. I take Ms. Cronk's  
9 comment.

10                  MR. HANNA: Q. This matter of cumulative  
11 environmental impacts, and particularly the stand  
12 conversion issue and whatever, would you agree with me  
13 that such impacts are at least partly dealt with by  
14 your deer guidelines since they set out for the  
15 majority of the forest the ideal habitat structure in  
16 fairly precise terms?

17                  MR. BUSS: A. Yes, I would agree with  
18 that.

19                  Q. On page 367 there, the first  
20 paragraph indicates that tending treatments can have  
21 negligible effects on wildlife habitat or positive I  
22 believe, negligible or positive?

23                  A. That's correct.

24                  Q. Are you of the view that impacts of  
25 stand conversions are short term and negligible?

1 MS. CRONK: Well again, I'm sorry, sir,  
2 that one, is my friend undertaking to prove that  
3 statement?

4 Mr. Hanna - through you, Mr. Chairman, to  
5 Mr. Hanna - Mr. Hanna, it's the manner in which you put  
6 the question. When you ask a witness whether he or she  
7 is familiar with a certain fact and the witness  
8 indicates he or she isn't, you are obliged to prove it.  
9 I have no trouble if you are undertaking to do that,  
10 but I do have trouble if you are not.

11 MR. FREIDIN: Perhaps some instruction to  
12 Mr. Hanna as to what is involved in having to prove it.

13 MR. HANNA: I think I have some sense of  
14 what is required to prove it, Mr. Chairman.

15 MS. CRONK: I have a client here.

16 THE CHAIRMAN: We have to unfortunately,  
17 Mr. Hanna, follow the basic rules in terms of  
18 presentation of evidence.

19 We are very lenient generally as to what  
20 type of evidence is allowed in, the Board will give it  
21 the appropriate weight as opposed to declaring it  
22 inadmissible, which might well happen in a court of  
23 law, but nevertheless there is an obligation to put a  
24 question to a witness in a proper form.

25 If the witness denies knowledge of it,

1       then you are obliged, if you are going to rely on it,  
2       to prove it, and that would require you at some point  
3       calling a witness or filing a document through a  
4       witness which would both identify it and substantiate,  
5       in effect, its validity, then it would be considered  
6       proven in terms of the document existing.

7                  As to the weight the Board would place on  
8       it, that again is a matter for the Board.

9                  MR. HANNA: Thank you, Mr. Chairman. Mr.  
10       Chairman, I am going to continue on through, there is a  
11       number of other points I wanted to raise with this  
12       witness statement of Mr. Buss.

13                  It may be an appropriate time -- if we  
14       have a break now, perhaps we could - depending on how  
15       long I last here - maybe have another short break just  
16       before we go and hopefully break in time to have lunch,  
17       people have a reasonable time to have lunch and still  
18       make their arrangements and whatever.

19                  THE CHAIRMAN: Okay. We will take 20  
20       minutes at this point. Thank you.

21                  ---On recessing at 10:10 a.m.

22                  ---On resuming at 10:35 a.m.

23                  THE CHAIRMAN: Thank you. Be seated  
24       please.

25                  Ladies and gentlemen, Mr. Mander handed

1 out at the break the schedule for the next two or three  
2 months. For those of you who don't have it, it is on  
3 the court reporter's table.

4 Mr. Hanna?

5 MR. HANNA: I believe Mr. Lindgren wants  
6 to address the Board, Mr. Chairman. I think he's just  
7 speaking with Mr. Freidin if we could just wait a  
8 second.

9 THE CHAIRMAN: Very well.

10 MR. CASTRILLI: Perhaps it's premature.

11 MR. LINDGREN: Thank you, Mr. Chairman.  
12 As you can see, I just met with Mr. Freidin to discuss  
13 a matter I raised earlier this morning and I think we  
14 have reached a common understanding about the types of  
15 questions that can be raised about roadside herbicide  
16 use during Panel 14 and I don't think there is any need  
17 to discuss it further at this time.

18 THE CHAIRMAN: Very well. Thank you.

19 MR. HANNA: Q. As I said, Mr. Buss, we  
20 will be the better part of the day so let me continue  
21 on.

22 On page 367 of your report --

23 MR. HANNA: I'm sorry, you're right.

24 It's the witness statement, I'm sorry. This is Volume  
25 II Panel 12.

1                   THE CHAIRMAN: All right.

2                   Q. The last sentence there, in fact the  
3 last line makes reference to something that has been  
4 discussed at these hearings and before and that is  
5 integration of timber and wildlife management  
6 objectives.

7                   Can you explain to me what you mean here  
8 by that phrase, in your terminology, as far as it  
9 applies to tending and maintenance?

10                  MR. BUSS: A. Well, I can rephrase  
11 because these are my words and the words are:

12                  "It is the responsibility of foresters  
13 and biologists to mitigate these  
14 potentially adverse effects of tending  
15 and enhance possible positive effects  
16 through the integration of timber and  
17 wildlife management objectives."

18                  What I was referring to is that the  
19 concerns that biologists do share with the Federation  
20 of Anglers & Hunts with regards to large-scale  
21 conversions as might be brought about by tending  
22 activities.

23                  When and if those concerns become an  
24 impingement to wildlife objectives, the mechanism  
25 exists in the timber management process to deal with it

1 and I can give the Board an example which I think might  
2 be illustrative of this point.

3 It's my knowledge that in the Thunder Bay  
4 District, part of the northcentral region where a good  
5 share of tending has taken place, particularly with use  
6 of herbicides that John McNichol, who was the previous  
7 habitat biologist negotiated through the timber  
8 management planning process the ability to require or  
9 to outline a two-chain strip adjacent to cover areas  
10 that were left for moose winter cover and along moose  
11 corridors where it was the opinion of the biologist  
12 that the production of browse for moose was going to be  
13 adversely impacted.

14 In other words, the biologist would have  
15 to look at the relationship of browse production not  
16 only within that cut but in adjacent cuts, but if it  
17 was his opinion or her opinion that there was going to  
18 be a problem, the timber management people would make  
19 this concession and they were most willing to make that  
20 concession when it was notified previous to the  
21 operation starting; in other words, they can  
22 incorporate that into their renewal efforts.

23 In other words, they weren't going to  
24 renew that two-chain strip if they knew they weren't  
25 going to be able to tend it, which is fair enough.

1       But -- and it's not a blanket application, it's a  
2       site-by-site thing. So when I say here that the  
3       biologist and forester have to negotiate and it's their  
4       responsibility to look after these things, this is the  
5       kind of situation I am thinking of.

6                     Q. Which Crown management or timber  
7       management unit was that that you were referring to?

8                     A. It's the Thunder Bay District and I'm  
9       not sure which of the units that it took place in, I  
10      just know that it was a thing that -- or a situation  
11      that Mr. McNicol had negotiated within the district.  
12      Whether it applied to more than one unit, I am not  
13      sure.

14                    Q. No one else on the panel is familiar  
15      with that?

16                   THE CHAIRMAN: Mr. Freidin or Ms. Murphy,  
17      could you just advise or one of the members of the  
18      panel, which district in and around Thunder Bay -- or  
19      which unit rather would be in and around Thunder Bay.

20                   MR. HYNARD: Yes, we will find that out  
21      at the next break.

22                   MR. HANNA: Thank you, Mr. Chairman.

23                   Q. You would agree with me though that  
24      this integration must take place at the timber  
25      management planning level, the forest management unit

1 level, in addition to other levels, but it certainly  
2 has to take place at that level.

3 MR. BUSS: A. Yes.

4 Q. Is it your view that this integration  
5 can take place without wildlife management objectives  
6 being explicitly stated in the precise context of the  
7 timber management plan.

8 A. Insofar as from my knowledge of how  
9 it works, I think it can be because the targets that  
10 deal with wildlife are expressed in the land use  
11 guidelines for the district and both wildlife  
12 management activities and timber management activities  
13 are a plane of planning below the district guidelines.

14 In other words, I don't think you have to  
15 have -- we have to reiterate all the wildlife  
16 management objectives in the timber management plan in  
17 order to accommodate wildlife management through the  
18 plan.

19 Q. But to make the kind of decisions  
20 that you referred to with Mr. McNicol he has to have a  
21 certain objective in mind, a fairly specific objective  
22 to be able to argue that effectively with the  
23 foresters. The foresters aren't going to accept it  
24 without some reasonable rationale; is that not correct?

25 A. I think what gives the biologist the

1 leverage, if you will, is the guidelines for moose  
2 management. They give the leverage, they give the  
3 background, the sort of reasoning, it's the application  
4 of those guidelines in the planning process where the  
5 negotiations takes place.

6 Q. But in the deer guidelines the  
7 leveraeg is fairly clear. It says we should have  
8 between say 5 and 15 per cent permanent openings, so if  
9 you were to go to Mr. Hynard and say: Mr. Hynard, you  
10 know, we need some openings here in this landing, we  
11 have only got one per cent --

12 THE CHAIRMAN: But those don't have the  
13 effect of the moose guidelines at this stage.

14 MR. HANNA: I don't argue that, Mr.  
15 Chairman. I'm sorry, I don't understand.

16 THE CHAIRMAN: Well, Mr. Buss just  
17 indicated that the leverage that the biologist has in  
18 the case of the moose situation are the moose  
19 guidelines.

20 MR. HANNA: Yes, but what about in the  
21 Great Lakes/St. Lawrence Forest, that's really what I'm  
22 asking him.

23 MR. BUSS: What is the leverage?

24 MR. HANNA: Q. Yes.

25 MR. BUSS: A. Well, it's the leverage

1       that has been there in the last 25 or 30 years that we  
2       have been trying to manage and that is the kind of  
3       commitment that managers have to deal with more than  
4       one objective.

5                   Q. But we don't have leverage in your  
6       words?

7                   MR. FREIDIN: Well, he just said what it  
8       meant to him. I think you got his answer.

9                   MR. BUSS: We don't -- you are right that  
10       we don't have a deer policy like we have a moose policy  
11       and that also is in preparation and it's probably one  
12       of the reasons that we don't have the guidelines for  
13       deer in the same form that we have them for moose.

14                  I would also like to point out that in  
15       the guidelines for moose there is a description of  
16       general guidelines at the beginning of them on page (i)  
17       where it talks about in the boreal forest regions and  
18       it gives some general direction as well as specific  
19       direction.

20                  On the second page it goes into the  
21       specific areas of concern guidelines. So you are  
22       right, they are not exactly comparable to the  
23       white-tailed deer thing, but it does give some of that  
24       general --

25                  MR. MARTIN: Can I ask a question?

1 MR. BUSS: Yes.

2 MR. MARTEL: While they might not have  
3 had formal approval or have been in the form that we  
4 now have for the moose guidelines, have you not been  
5 using these? This draft, is it just sitting there or  
6 in fact is it not being -- is it not the basis for the  
7 deer management that is going on in the province at the  
8 present time?

9 MR. BUSS: Yes, it is the basis.

10 MR. MARTEL: Although it doesn't have the  
11 effect of a final documentation--

12 MR. BUSS: That is correct.

13 MR. MARTEL: --which says you must?

14 MR. BUSS: That's correct.

15 MR. MARTEL: So in fact would it not give  
16 you some leverage in, let's say, a confrontation with a  
17 forester who wanted his way -- I'm sure biologists  
18 would remind him what is in the documents that are  
19 being used.

20 MR. BUSS: Oh I think so and I think Mr.  
21 Hynard would confirm that, that even though it doesn't  
22 have that kind of sanction that the moose guidelines  
23 have, it is in effect what we are using and parts of it  
24 are things that we have been using for 15 years or 20  
25 years.

1                   MR. HYNARD: Yes. You see, you really  
2                   don't need to have a shotgun at my head. One of the  
3                   objectives of the timber management plan is to provide  
4                   for other uses and values of the forest, and that  
5                   objective is further -- would be further clarified and  
6                   would have a strategy.

7                   For example, it might say not to impinge  
8                   upon the ability of other MNR programs to achieve their  
9                   targets. So in the context of deer and deer management  
10                  the biologist who is sitting on the planning team would  
11                  look at the forestry proposals that are being made in  
12                  relation to those guidelines, regardless of their  
13                  official status, and he's going to say: Well, I know  
14                  what the ideal deer habitat is and I know how many deer  
15                  I have and what my objectives are, are the provisions  
16                  of this plan going to impinge upon my ability to  
17                  deliver my program.

18                  And if believes that's the case he's  
19                  going to provide input to that plan and the district  
20                  manager who is the chairman of the planning team is  
21                  going to weigh that. So the question of leverage is in  
22                  there regardless of the official status of those  
23                  guidelines.

24                  Now, if that biologist feels that  
25                  permanent openings, for example, are in short supply,

1 he may ask to have or leave landings and tertiary roads  
2 available for seeding to wildlife grasses and you saw  
3 photographs of that in Panel 10, of its occurrence.

4 So that is how it's kind of built -- that  
5 is how it is built in there. If conifer cover is in  
6 short supply, then an area of concern prescription for  
7 deer yards would be to retain cover.

8 MR. HANNA: Q. Mr. Hynard, I just want  
9 to clarify. I was not suggesting that we were putting  
10 a shotgun to the head and, in fact, I think as you know  
11 the Federation -- that is not the Federation's  
12 approach.

13 In fact one of the reasons I'm asking the  
14 question is by having established between foresters and  
15 biologists that say 5 to 10 per cent in permanent  
16 openings is ideal deer habitat, we've got a time in  
17 point of reference that we can have those informed and  
18 productive discussions rather than adversarial  
19 discussions.

20 MR. HYNARD: A. Yes.

21 Q. You would approve of that?

22 A. (nodding affirmatively)

23 Q. Mr. Buss, can we turn to page 368 now  
24 of your statement. The one sentence there that I am  
25 trying to get clarified:

1                   "During this period the deciduous  
2                   competition will maintain adequate  
3                   diversity."

4                   It's in the middle of the page there  
5                   under section 2.2.1. Of course whenever I see the word  
6                   adequate, it immediately perks up my ears, but so does  
7                   the word diversity. Can you perhaps just elaborate a  
8                   bit on what you mean by that?

9                   MR. BUSS: A. I guess if we are talking  
10                  about non-crop species, their existence in the stand,  
11                  really the impact on the diversity in terms of its  
12                  composition doesn't really take place until the stand  
13                  closes; in other words, once you have got shade, that  
14                  is when you get a real reduction in composition and  
15                  that usually doesn't take place in the stand until  
16                  between, you know, 15 to 30 years maybe, if we are  
17                  talking about a conifer stand.

18                  And during that time, between the time  
19                  the stand first establishes and before the crown  
20                  closes, the composition -- the diversity in terms of  
21                  composition isn't greatly affected. It may be affected  
22                  some, but it's not greatly affected. Once it closes,  
23                  then you get a major change.

24                  Q. So implicit in your statement then is  
25                  that there is some level or intensity of effectiveness

1 of the cleaning in that particular case?

2 A. That's right. The cleaning has been  
3 described as an activity that is to allow the crop tree  
4 to get free to grow or to give it a boost absent -- in  
5 the absence - not the total absence of - but with  
6 reduction of competing vegetation.

7 Once the tree reaches free to grow, the  
8 concern about competing vegetation is not as great. So  
9 between the time that it reaches free to grow and  
10 before those crowns close, the kinds of species that  
11 add diversity to that stand are not a problem in  
12 forestry.

13 Q. And how would you measure adequate  
14 diversity? How would one go about that? How would I  
15 know I have got adequate diversity?

16 A. If you want to measure, I suppose you  
17 can go out and check, do an identification or sort of a  
18 life sciences inventory to see what plants are growing  
19 there.

20 Q. Would you agree with me that the term  
21 diversity is one that has received a great deal of  
22 debate within biological circles?

23 A. Yes.

24 Q. Can you explain to me the terms  
25 richness and fullness as they pertain to biological

1 diversity?

2                   A. Well, I'm not -- I don't know about  
3 fullness, but I understand what richness means. My  
4 understanding is that when you talk about diversity, if  
5 you are talking about number of species or the kinds of  
6 species that occur on the site, you are talking about a  
7 number of different species. That tells you what the  
8 richness is. In other words, does this species occur  
9 on the site or doesn't it and you end up with a list.

10                  If you are talking about evenness or to  
11 the composition, you are talking about what percentage  
12 of the total species that occur on that site does this  
13 make up in sort of volume.

14                  So while a plant may occur there and  
15 therefore add to the richness, but if it only occurs  
16 there in every small amount it wouldn't account for too  
17 much of the evenness or the composition in that stand.

18                  Q. So you would agree with me that  
19 simple enumerations of numbers of species present can  
20 distort, is not a good measure of diversity in itself?

21                  A. No, that is why I didn't -- that's  
22 why I used the term diversity, meaning diversity in all  
23 forms and didn't specify one or the other there.

24                  Q. Ms. Krishka, could you turn to page  
25 279 of your witness statement, please. And I believe

1 the full paragraph there in the middle of the page is  
2 looking at -- I believe, you have called it forest  
3 diversity, it's under the forest diversity section; is  
4 that correct?

5 MS. KRISHKA: A. I believe so.

6 Q. Okay. And the references that you  
7 have made here to these studies, Campbell and Lehela,  
8 that is Dr. Campbell?

9 A. Yes, it is.

10 Q. Maybe I should ask Dr. Campbell the  
11 question then. Dr. Campbell, the words here are  
12 simple enumerations of species as a measure of  
13 diversity.

14 DR. CAMPBELL: A. That's correct.

15 Q. Did you measure evenness?

16 A. In the sense of the composition, the  
17 amount of each species you mean?

18 Q. As Mr. Buss has described it?

19 A. No, we did not.

20 Q. Thank you.

21 MS. KRISHKA: A. If I might just draw  
22 your attention to maybe other studies that had -- were  
23 discussed in that section that did talk about number of  
24 stems in a particular species rather than just species.

25 Q. Well, perhaps...

1                   A. Just for future interest sake.

2                   Q. Well, for my future reference, maybe  
3 you can just indicate those to me so - I won't deal  
4 with them right now, but just so I know which ones you  
5 are referring to.

6                   A. There was in particular the Waldren  
7 Study 1959.

8                   Q. 19..?

9                   A. 59.

10                  Q. 59. Was glyphosate available in  
11 1959?

12                  A. No, it was not.

13                  Q. Mr. Buss, can we turn to page 369 of  
14 your witness statement. I am looking at the last  
15 sentence before Section 2.2.2.

16                  MR. BUSS: A. Yes.

17                  Q. I just want to confirm that it's your  
18 view that the removal of mature residual trees in all  
19 cases will have a negative impact on wildlife?

20                  A. No, I didn't say it would have a  
21 negative effect on wildlife, I said the removal of  
22 mature trees will decrease the age diversity existing  
23 in the stands. This is in relation to liberation  
24 cuttings. That is what we are talking about here.

25                  Q. Yes. I understand what you said.

1 Maybe I will ask you then: Is it your view that the  
2 removal of residual trees will have a negative impact  
3 on wildlife because it removes the structural diversity  
4 of the stand -- the residual stand?

5 A. Again it depends on the kind of  
6 wildlife we are talking about. It could be a  
7 disbenefit certainly for those species that rely on,  
8 say, the cavity -- the existence of cavities in the  
9 stand. For other species like small mammals, the  
10 reduction of canopy might not have a great effect.

11 Q. So it wouldn't be a negative effect  
12 because they are boreal in that sense, but it...

13 THE CHAIRMAN: That was 'are boreal',  
14 right?

15 MR. HANNA: My eradicts -- that's  
16 correct. Yes, sir, species that are...

17 MR. BUSS: Well, it could have a  
18 beneficial effect. I can think of an instance where  
19 generally rough grouse are associated with early  
20 successional stages and if you have -- particularly  
21 where these birds are brooding; that is, where they  
22 have their chicks at this time of the year and are  
23 feeding, if you have got a lot of residuals there that  
24 are tall that provide roosting site for avian predators  
25 they could be seen as a detriment and, therefore, if

1       you remove them it would be a benefit to the rough  
2       grouse but it would be a disbenefit to the avian  
3       predator who is part of that community.

4                   So, I mean, it depends on where you are  
5       coming from.

6                   MR. HANNA: Q. But in some cases it  
7       would be beneficial?

8                   MR. BUSS: A. It could be beneficial in  
9       some cases, yes.

10                  Q. Now, in light of what you said I just  
11       want to make sure it's consistent. On page 373 of your  
12       witness statement when you talk about girdling right at  
13       the very top of that page.

14                  MR. BUSS: A. Yes.

15                  Q. The wording there suggests to me that  
16       you are of the view that it's better to leave the trees  
17       standing than to let them fall -- have them fall? Yes,  
18       have them cut.

19                  A. Well, if you determine that one  
20       particular part of diversity was lacking in the  
21       habitat; in other words, in this condition I was  
22       talking about tending as it takes place in the Great  
23       Lakes/St. Lawrence, if you had the option, in other  
24       words, if you thought you had a lack of cavity trees  
25       and there was an option in the tending to either do it

1 through removal of the trees or girdling them, then it  
2 would be beneficial to girdle them. It may not be  
3 beneficial to remove them, in other words.

4 So in this case, we said: Well, we don't  
5 have very much dead standing timber in this habitat, we  
6 want to have more because of a lack of it for whatever  
7 species, woodpeckers or the cavity nesting birds. We  
8 can say: Well, let's not remove those species, let's  
9 not remove those trees. It doesn't make any difference  
10 to the tending whether we cut them down or we girdle  
11 them, as long as we remove them from the growing stock  
12 and then the biologist would make the recommendation in  
13 this situation, let's girdle the trees.

14 THE CHAIRMAN: Mr. Buss, is it not the  
15 case with all of these statements that you really look  
16 at things on a site-specific basis in connection with  
17 the objectives of a particular wildlife management  
18 objective that you want to pursue?

19 MR. BUSS: In the main.

20 THE CHAIRMAN: So these statements that  
21 you are making aren't meant to be categorical in all  
22 cases; are they?

23 MR. BUSS: No, exactly.

24 MR. HANNA: Q. But you will agree that  
25 there are cases where not girdling would be even more

1 preferable in some cases; in other words, leaving  
2 residuals trees alive from a wildlife point of view,

3 MR. BUSS: A. Yes.

4 Q. Now, section 2.2.7 on page 373 talks  
5 about the long-term implications to wildlife of  
6 tending; correct?

7 A. That's correct.

8 Q. And I believe you even make reference  
9 there to the issue that we have talked about before.  
10 In the middle of the paragraph it says:

11 "This is particularly evident where the  
12 objective is the conversion from mixed-  
13 wood stands to stands dominated by  
14 conifers."

15 In other words, that can have major  
16 long-term consequences to wildlife?

17 A. That's correct.

18 Q. Now, how would a biologist in the  
19 Ministry go about deciding whether the proposed  
20 conversion of a mixed wood stand in the boreal forest  
21 was acceptable from a wildlife point of view?

22 A. If I were asked to do that I would  
23 have to be looking at the composition of stands over  
24 the entire unit. I would also assess it in terms of  
25 the existence of known moose wintering concentrations

1 and also the state or the level at which the moose  
2 population was at, the best estimate of the moose  
3 population in the area, and I would have to assess that  
4 against the target in terms of producing moose on that  
5 unit, and show that I was well below the target.

6                   And if my assessment was that one of the  
7 limiting factors was conifers, I didn't have enough  
8 conifer, I didn't have enough winter shelter in terms  
9 of the guidelines that were given to me, then it would  
10 be my tact to support efforts to convert or to  
11 encourage conifer competition or conifer in the stands,  
12 conifer dominated stands.

13                  Q. Or it could go the other way?

14                  A. Or I could go the other way.

15                  Q. Right.

16                  A. And that is sort of the example I  
17 gave you with what is going on in Thunder Bay right  
18 now.

19                  Q. In your view, would such decisions  
20 would be assisted if the biologist had developed a  
21 priori your specific objectives in terms of the amount  
22 of habitat of different types required to support, in  
23 this particular example, a given moose population?

24                  A. Objectives about the numbers of the  
25 moose? You are asking about the habitat --

1                   Q. The habitat. I'm talking about the  
2 habitat, because --

3                   A. Regarding a specific number in terms  
4 of composition within that stand.

5                   Q. Like we have in the deer guidelines,  
6 you know, we need certain proportions of habitat, we  
7 decide that a priori?

8                   A. Well, I think those kinds of  
9 decisions are probably already made. I don't know  
10 whether they are written down anywhere, but it might be  
11 instructive to new biologists on a new unit to know  
12 that that particular unit was heading in a certain  
13 direction and, therefore, he should highlight certain  
14 activities.

15                  In fact I think some of the districts are  
16 doing this right now. I talked last night to a  
17 biologist who worked for me at the Frost Centre who now  
18 lives in Beardmore and she has just gotten a nine-month  
19 contract in Nipigon District to do exactly that with  
20 regards to dealing with the application of these  
21 guidelines in that district.

22                  Q. Exactly what, Mr. Buss?

23                  A. Evaluating the condition of the moose  
24 habitat in the way that you are talking about.

25                  Q. So looking at the whole unit--

1                   A. The composition...

2                   Q. And saying what is the composition of  
3                   the habitat and how does that relate to what we want to  
4                   achieve in terms of moose?

5                   A. Exactly.

6                   Q. And the reason that that is being  
7                   done is to assist the biologists so they can look at  
8                   the whole picture and make these individual decisions  
9                   in a reasonable way?

10                  A. Exactly.

11                  Q. And would you agree with me there is  
12                  a certain dynamic in those type of decisions; in other  
13                  words, you can go out and look at the habitat today but  
14                  because the action we take today have consequences for  
15                  up to a hundred years or longer, because that is the  
16                  rotation age of the forest, we have to look at it not  
17                  just today, but we have to look at how the whole  
18                  habitat is going to change over time?

19                  A. Yes.

20                  Q. You have attached to your witness  
21                  statement on page 393 a paper by Bunnell and Eastman;  
22                  is that correct?

23                  A. Yes, 383.

24                  Q. No, it's on 393. I think the actual  
25                  article --

1                   A. Okay, yes.

2                   Q. You can turn to that, please.

3                   A. I don't have a copy of it in here.

4                   Yes.

5                   Q. Now, it's my understanding that they  
6       have developed in this paper and through other work  
7       that they have done and work since, a model to examine  
8       the influence of timber management practice on wildlife  
9       species, in fact they actually make reference to it in  
10      the abstract; is that not correct?

11                  A. That's correct.

12                  MS. CRONK: Sorry, Mr. Chairman, could I  
13       just have a clarification on that. Is it correct that  
14       that was referred to in the abstract, or is it correct  
15       that there has been subsequent work and work prior to  
16       this paper that deals with the same problem, or is it  
17       correct to both?

18                  MR. BUSS: Run the question by me again,  
19       please?

20                  MR. HANNA: I understand Ms. Cronk's  
21       interjection.

22                  Q. First of all, I think the question  
23       is: In the abstract and in this paper they have  
24       developed a model to evaluate timber management  
25       activities; is that correct?

1 MR. BUSS: A. Yes.

2 Q. Are you aware of any subsequent work  
3 that these authors, or that was done on this model or  
4 by these authors or other authors to advance that  
5 further?

6 A. No, I'm not.

7 Q. This paper was published in 1976; is  
8 that correct? I can help you. It was on page 391. It  
9 says IUFRO Norway 1976.

10 A. Yes.

11 Q. So, what I understand is they had a  
12 model in '76 that was available to evaluate potential  
13 impacts of timber management; is that correct?

14 A. Yes.

15 Q. Now, in the last sentence there, in  
16 the abstract it says:

17 "It...", which I believe is the model:  
18 "...thus provides a forest manager with a  
19 convenient device for evaluating  
20 the potential impacts of proposed  
21 management practices."

22 Did you use their model in arriving at  
23 any of your conclusions?

24 A. No, I did not. I looked at the  
25 relationships that they talk about in regards to

1 tending and how it affected the coastal forests.

2 Q. Now, I believe they are also making  
3 reference there in the middle of the abstract to a  
4 topic I think we discussed earlier this morning with  
5 respect to the deer guidelines and, that is, this  
6 business of developing broad relationships from -- that  
7 can be applied and extrapolated as an effective tool to  
8 help biologists and foresters arrive at decisions.

9 Is that correct; isn't that the essence . . .  
10 of what they are saying there?

11 A. I think so, yes.

12 Q. Now, I see that you included it in  
13 your witness statement and I presume, therefore, that  
14 you felt that it was a reasonable article.

15 Is there anything in the paper that  
16 stands out that you feel particularly adverse to in  
17 terms of theirs, or in general can you say that you are  
18 in support of what's in this paper?

19 MS. MURPHY: Mr. Chairman, the paper is  
20 referenced in the document - I had the page a minute  
21 ago - in your material, page 369, and the statement is  
22 made:

23 "As a result, Bunnell and Eastman  
24 concluded..."

25 And it points out what they conclude and

1 it is cited as support for that statement.

2 THE CHAIRMAN: Mr. Buss, did you use this  
3 article for any purpose other than supporting the  
4 statement made on page 369?

5 MR. BUSS: I used it to look at some of  
6 the other relationships that they discussed in terms of  
7 tending on the forest estate in British Columbia, but I  
8 only referenced the one statement from one of those  
9 relationships.

10 MR. HANNA: Q. I believe they actually  
11 deal with several topics. On page 413 there is a  
12 section on removal of snags and cull trees; is that  
13 correct.

14 MR. BUSS: A. That's right.

15 Q. Now, the second sentence there  
16 indicates that in their view, based upon the systematic  
17 analysis that they undertook in this particular paper,  
18 that generally these activities, these activities being  
19 removing of snag and cull trees, adversely affect  
20 wildlife; is that correct?

21 A. Adversely affected those species that  
22 are dependent on cavities, yes, in older trees. Not  
23 wildlife in general, just cavity nesters they were  
24 talking about.

25 There were several other authors that

1 talked about the activity of tending in that way. I  
2 think Eastman is another one of them that talked about  
3 it in terms of harvesting -- using the harvesting of  
4 fuel, what is a tending technique, to remove  
5 undesirable trees and their work found that where that  
6 was -- that technique was used that there was a  
7 reduction in cavity nesting species of birds in those  
8 stands that had been repeatedly treated that way.

9 Q. One last issue here that they deal  
10 with that we have also spent time talking about, it is  
11 on page 414 there under Stand Establishment. I believe  
12 the second paragraph is talking about the matter of  
13 stand conversions; is that correct?

14 A. Yes, the paragraph at the bottom of  
15 the page?

16 Q. Yes. And is it not their conclusion,  
17 and perhaps I will just read it:

18 "....we have not examined properly the  
19 consequences of establishing monocultures  
20 with their attendant lack of habitat  
21 diversity. We would predict an  
22 impoverished fauna, particularly in  
23 monocultures harvested under short  
24 rotations..."

25 Now, would you agree --

1 MS. MURPHY: "e.g..."

2 MR. HANNA: Q. I'm sorry:

3 "...e.g. 40-60 years."

4 Now, would you disagree with that  
5 statement?

6 MR. BUSS: A. Not as a general concept,  
7 I wouldn't disagree with it, but I'm not sure either  
8 because they haven't stated here what the precise  
9 definition of their conversion is because if it is a  
10 monoculture, if you are talking about a red pine  
11 plantation in Peterborough County, I would very much  
12 agree with this.

13 But if you are talking about what I have  
14 seen or what I know to be a plantation in northern  
15 Ontario in the boreal forest where there is a variety  
16 of stand types and we don't get that -- Mr. Hynard  
17 showed us some extremely good slides showing these  
18 different kind of things, and there is a range of  
19 conditions there all over the place, but in the main  
20 what he is talking about, if you are talking about  
21 going to a monoculture of pine, it could be devastating  
22 for wildlife, that's for sure.

23 Q. Pine or spruce or...

24 A. That's right.

25 Q. And you are making that statement

1       based upon the current state of the forest; is that  
2       correct, the current state of the northern Ontario  
3       forest?

4                  A. I am making that statement on the  
5       basis of the variety of sites and conditions I have  
6       seen that could be termed in the forest vernacular as  
7       being a plantation.

8                  Q. But what currently is defined as a  
9       plantation; in other words, what I am getting at is  
10      there is the possibility with more intensive forestry  
11      for that not to be representative?

12                 A. Yes, I suppose so. Wildlife  
13      biologists would be very concerned if the intent of  
14      forestry in northern Ontario was to make it look like  
15      the Peterborough forest where you have row on row of  
16      red pines growing on a carpet of needles underneath and  
17      nothing else. That would be very disturbing to  
18      wildlife biologists.

19                 Q. Right. And so we are into this  
20      business of degrees, how much -- how far, and I think  
21      this is the point that Mr. Hynard has raised and, you  
22      know, what actually constitutes a plantation in the  
23      north and whatever.

24                 Maybe I would ask it -- and this is the  
25      question of basically what actually constitutes a

1 plantation and whatever, when do we now have a  
2 conifer-dominated stand or whatever, and I would ask  
3 the question of Mr. Hynard.

4                   Would stands 70 to 80 per cent conifer  
5 fall within the definition of monoculture?

6                   It is not your definition or would that  
7 be your definition? When do you have a monoculture, I  
8 guess is the question I am asking. Is that a hundred  
9 per cent and anything less than a hundred per cent is  
10 not a monoculture?

11                  MR. HYNARD: A. Well, a monoculture, as  
12 I understand it to be, is a crop of one species. That  
13 doesn't mean that it is the only plant that exists in  
14 that forest or in that stand; there could be a  
15 tremendous diversity of ground vegetation on the forest  
16 floor.

17                  Monocultures or crops of one species are  
18 quite common, they are quite normal in the natural  
19 forest. Pure black spruce stands on lowlands, pure  
20 jack pine stands on outwash sands, they are very  
21 common. So your question was: Is a stand that's 70 or  
22 80 per cent conifer a monoculture? No, it is not a  
23 monoculture.

24                  Q. I realize -- okay. 70 to 80 per cent  
25 is not a monoculture. I don't want to pursue it,

1       belabour it, but if we had 90 per cent is it a  
2       monoculture, 92 per cent, 95 per cent? Just so we have  
3       some interpretation of this word.

4                  A. Yes. I think I defined it, it is a  
5       crop of one species.

6                  Q. A hundred per cent?

7                  A. Yes, yes. Certainly a hundred per  
8       cent would -- an only one crop species, it would be a  
9       monoculture by that definition which, again, doesn't  
10      mean it is the only plant that's occurring in that  
11      forest.

12                 Q. So as a forester when you hear the  
13       word monoculture as used in perhaps this context, you  
14       visualize a hundred per cent of one tree and that's it?

15                 A. Well, frankly, I never use the term  
16       monoculture and I don't have a vision that springs  
17       promptly to mind. So I don't want to give you a  
18       number. I gave you a definition of what a monoculture  
19       is.

20                 Q. Mr. Buss, just the sentence that  
21       continues on in that paragraph on the top of page 415,  
22       it goes on to describe, I think, some of the problems  
23       you have when you get into these monocultures, whatever  
24       they might be, and you have -- you said here that this  
25       matter has been treated too lightly, both from the

1 point of view of impacts on wildlife and vice versa.

2 THE CHAIRMAN: Well, Mr. Hanna, we  
3 haven't established, No. 1, that we are dealing with  
4 monocultures other than apart from this article in the  
5 application before us, No. 1.

6 No. 2, Mr. Hynard has just indicated that  
7 even if there is one species of tree there may be all  
8 kinds of undergrowth of various plant species which may  
9 not impact, I assume, on wildlife as if there were one  
10 species of tree and bare ground under the tree.

11 MR. HYNARD: Exactly. You recall the two  
12 red pine plantation photographs in my direct evidence,  
13 one of which was -- both of which were monocultures by  
14 that definition. There was no crop species other than  
15 red pine in both those pictures and one was virtually  
16 unoccupied by ground vegetation, just a needle mat, and  
17 the other had a very rich, lush understorey.

18 So those are both monocultures by that  
19 definition, but from a wildlife point of view I am sure  
20 they are quite different.

21 THE CHAIRMAN: Mr. Buss, do we assume  
22 from this evidence that you really have to look at the  
23 site, the specific site, the specific unit to determine  
24 whether one species of tree is going to be a particular  
25 problem in terms of wildlife?

1                   MR. BUSS: Exactly. What Mr. Hynard  
2       described in those photos was the range of conditions  
3       that you can get and what might be termed by a forester  
4       a monoculture. One would be devastating for most  
5       wildlife, the other one would be pretty good.

6                   MR. HANNA: Q. Can we move on then to  
7       page 452 which is another article that you have  
8       included in your witness statement.

9                   MR. BUSS: A. Yes, I have it.

10                  Q. I think it is probably best if you  
11       could just -- well, it says here:

12                  "The bird density in young spruce  
13       plantations was one-ninth of that in the  
14       natural forest."

15                  MS. MURPHY: I'm sorry, which page are  
16       you on?

17                  MR. HANNA: I'm sorry, it is page 452.

18                  Q. Do you see that?

19                  MR. BUSS: A. Yes.

20                  Q. Would you describe that as a  
21       significant change in the wildlife population?

22                  A. Very much so.

23                  Q. It also indicates that the species  
24       number -- this author dealt with both the concept of  
25       richness and evenness; did he not?

1                   A. Yes.

2                   Q. And that the species number was also  
3 higher in the natural compared to the managed forest;  
4 correct?

5                   A. That's correct.

6                   Q. Can we turn to page 455. I believe  
7 it is a description of the managed forest.

8                   A. Yes.

9                   Q. And I believe -- when we read that  
10 description we see that in fact it wasn't a monoculture  
11 in any way, in fact it had quite a mixture of trees in  
12 it; is that correct?

13                  A. Well, they talk about beech and oak  
14 as being part of the stand, that they occurred there.

15                  Q. So this wasn't a monoculture?

16                  A. No, it wasn't a single species stand.

17                  Q. No, and in fact --

18                  A. But in terms of evenness there was  
19 very little oak and beech, I am led to believe by the  
20 statements there.

21                  Q. But in fact it was a combination, for  
22 example, of spruce and pine. It wasn't just pine, it  
23 wasn't just spruce, it was --

24                  A. Yes, it was conifer.

25                  Q. It was all--

1                   A. Conifer dominated.

2                   Q. --conifer dominated?

3                   A. Yes.

4                   Q. We haven't got a specific number  
5       here, but it is probably in the order of 80 per cent or  
6       more, sort of type of thing?

7                   A. Well, I don't know.

8                   THE CHAIRMAN: Well, we don't have a  
9       specific number so that's entirely speculative.

10                  MR. BUSS: This is exactly the situation  
11       I think that Mr. Hynard showed in his two -- or at  
12       least an example in one of those slides where you had a  
13       stand dominated by conifer trees and a needle mat  
14       underneath, and that's what they were facing with the  
15       repeated heavy tending that occurred in those stands.

16                  MR. HANNA: Q. So you are saying that --  
17       I am trying to get this clear here. I am looking at  
18       the Young Planted Area, and it says:

19                  "Spruce were planted about 15 years ago  
20       on a clearfelled area previously  
21       supporting old mixed forest."

22                  That would be comparable in what we are  
23       talking about in terms of mixed wood stands; is that  
24       correct?

25                  MR. BUSS: A. Yes, it would be a mixed

1 wood stand.

2 Q. It says:

3 "Natural regeneration of birch and oak  
4 had mostly been removed."

5 So there had been some tending took  
6 place?

7 A. Yes. I put this in as an example of  
8 why wildlife people are concerned or would be concerned  
9 if this takes place on a large scale. I mean, that was  
10 the purpose for including this paper, because this is  
11 the kind of thing that would alert wildlife biologists  
12 to a potentially adverse effect on wildlife. That's  
13 why I included the paper.

14 Q. And we have nothing comparable to  
15 determine how -- what type of effects might be  
16 occurring in Ontario with current management practices;  
17 is that correct, that you are aware of?

18 A. Do you mean, do we have a particular  
19 study that looks at this?

20 Q. Well, you have picked the study from  
21 Sweden. If there was one for Ontario I presume, being  
22 a responsible scientist, you would have referred to  
23 that?

24 A. If I would have had time to search  
25 the complete literature there probably are some on

1           Ontario. The reason I put this in is because it was a  
2         very poignant example of what would happen if you  
3         tended a forest in this way.

4           So I said I wouldn't want to see the  
5         conditions that we have in the Victoria Forest, for  
6         instance, occur on every pine plantation in Ontario.

7           Q. Do you know of any studies undergoing  
8         at the present time or have been done by the Ministry  
9         to look at this type of effect?

10          A. There are studies ongoing right now  
11         with regards to the effect of tending -- chemical  
12         tending on forest diversity and the use of tended sites  
13         by moose and by small mammals that's currently going on  
14         and I think some of the preliminary results have been  
15         entered as evidence.

16          Q. In this panel?

17          A. Not in this panel.

18          Q. Perhaps just to refresh my memory,  
19         just tell me who the study is being done by? Which  
20         study are you referring to?

21          A. It is a study that Ms. Krishka has  
22         been involved with with regards to the effects of  
23         glyphosate. A preliminary report on this was given at  
24         the North American Moose Workshop last year in Winnipeg  
25         and it has subsequently gone through some revisions,

1 and I believe there is another year or so of data being  
2 collected.

3 MS. MURPHY: If you recall, this was the  
4 information discussed earlier by Mr. McNicol in Panel  
5 7.

6 MR. HANNA: Mr. Chairman, it might be  
7 appropriate to take one last break now and then for me  
8 to wrap up. I may be more efficient in my  
9 cross-examination if I get a chance perhaps to  
10 synthesize a bit, if I can.

11 THE CHAIRMAN: Okay. Another 20 minutes.

12 MR. HANNA: Thank you, Mr. Chairman.

13 THE CHAIRMAN: Thank you.

14 ----Recess taken at 11:30 a.m.

15 ----On resuming at 11:55 a.m.

16 THE CHAIRMAN: Thank you everyone. Be  
17 seated, please.

18 MR. HANNA: Q. Mr. Buss -- I feel like  
19 asking Dr. Campbell a question but I think I will ask  
20 Mr. Buss the question.

21 I just want to deal with one more section  
22 of your witness statement and then I will be finished  
23 with that, and then I want to deal with a couple of  
24 issues in your evidence-in-chief and then one other  
25 matter which may take some time.

1                   First of all, I would like you to turn to  
2 page 376 of your witness statement.

3                   MS. MURPHY: Mr. Churcher is not here,  
4 Mr. Chairman.

5                   MR. HANNA: Mr. Churcher is not here, Mr.  
6 Chairman. I think the questions I am asking - unless  
7 Mr. Freidin wants to interject, I can assure you, they  
8 aren't going to affect Mr. Churcher in any way.

9                   MR. FREIDIN: Go ahead.

10                  MR. BUSS: Yes, I have that page.

11                  MR. HANNA: Q. Section 2.2.9 deals with,  
12 if you will, a look into the future; is that correct?

13                  MR. BUSS: A. That's correct.

14                  Q. And it is looking at the potential of  
15 what might occur if there was a change in the future  
16 demand of timber products and the intensity of forestry  
17 on the landbase; is that correct?

18                  A. That's correct.

19                  Q. Do you have any reason to believe  
20 that such a future trend is possible?

21                  A. It's possible, but I don't know how  
22 probable it is, but...

23                  Q. Fine. Now, what I am really  
24 interested in here is the sentence that is half on that  
25 page and on 377 and, specifically, you say that:

1                   "If these pressures develop, more  
2                   intensive forest use should develop, that  
3                   you require closer scrutiny with respect  
4                   to wildlife management objectives."

5                   And I just want to get some clarification  
6                   of what you are getting at there.

7                   What do you mean by closer scrutiny to  
8                   ensure the achievement of wildlife management  
9                   objectives?

10                  THE CHAIRMAN: Isn't that sort of  
11                  self-evident? If you had increased demand and  
12                  increased tending, that it would place some pressure on  
13                  the habitat for wildlife, you would have to reassess  
14                  your objectives in terms of what that increased demand  
15                  meant? I mean, does it go beyond that?

16                  MR. BUSS: No. I think these would  
17                  have -- you would also be taking into effect -- or into  
18                  account what was happening to the particular wildlife  
19                  population, as the Chairman has indicated, the  
20                  objective.

21                  For instance, deer right now, our deer  
22                  management in whatever part of the management, we are  
23                  dealing with a fairly healthy and productive deer  
24                  population. So we wouldn't be as rigorous or as  
25                  concerned about the application of those guidelines.

1           We look at them where critical things are important.

2                         But let's say our deer population was  
3                         faltering badly, we still had an objective to maintain  
4                         a certain level of deer population, we would be  
5                         scrambling to look at whatever limiting factors might  
6                         be occurring. And to the extent that we could identify  
7                         it as being forest management, we would be scrutinizing  
8                         forest management activities a lot closer than we may  
9                         be right at the current time.

10                  MR. HANNA: Q. In the event that that  
11                         did occur, how long would it take the forest manager --  
12                         the wildlife manager, to be able to implement  
13                         corrective actions?

14                  Say, we have -- we find out we have got  
15                         too young a forest, we haven't got enough mature stands  
16                         or whatever, it could take a fair long time. If that  
17                         was the cause of this problem, it could take quite a  
18                         long time for a response; is that correct? You are  
19                         restricted by how fast trees grow?

20                  MR. BUSS: A. Oh, yes, but it may not  
21                         be -- trees growing might not be the only factor. It  
22                         could be a series of bad winters, it could be a  
23                         predator problem, it could be poaching, it could be too  
24                         much harvest.

25                  Q. I think the Board has heard that

1       fully. I think they appreciate there are a multitude  
2       factors that play in this problem.

3                  But in the event that it was determined  
4       that habitat was a significant problem, you can't do it  
5       overnight and you can't just all of a sudden make  
6       things better?

7                  A. That's correct. And that's why  
8       wildlife managers use these guidelines now, but maybe  
9       not with the same rigor we would were we anticipating a  
10      problem or an end to a problem.

11                 Q. And the reason, Mr. Galloway, that -  
12      sorry, this wasn't planned - the reason that the forest  
13      managers, the forestry people have the same problem and  
14      that's why you look at your future stand make-up so  
15      that you can anticipate those future problems because  
16      you can't respond overnight also to, if you will,  
17      timber shortages, you have to plan into the future?

18                 MR. GALLOWAY: A. That's correct. It's  
19      the same basic principle just with a different -- two  
20      different objectives.

21                 Q. Yes. Mr. Buss, I would just like to  
22      deal with a couple of things you raised in your  
23      evidence. I believe these were not in the witness  
24      statement, so that's why I have sort of dealt with  
25      them.

1                   The first was a question that was asked  
2                   to you -- this is in Volume 110 and I am looking  
3                   particularly now at page 18323. I am looking at the  
4                   question there towards the bottom and I believe you  
5                   were asked:

6                   "When you are talking about this  
7                   potential long-term effect..."

8                   And I believe you were talking about  
9                   this -- at this time the matter of changes in diversity  
10                  and what could happen with more intensive forestry and  
11                  whatever. And I believe the question was:

12                  "When you are talking about this  
13                  potential long-term effect, are you  
14                  thinking about this at the stand level or  
15                  at the forest level?"

16                  I believe your answer is:

17                  "I am primarily talking about the stand  
18                  level."

19                  Now, the question is: Does this not have  
20                  a familiar ring to the issues that Dr. Baskerville  
21                  raised in the paper in the Panel 8 witness statement  
22                  when he was talking about this matter of adaptive  
23                  management? Are you familiar with that?

24                  THE CHAIRMAN: Well, Mr. Hanna, should we  
25                  not wait until we hear from Dr. Baskerville who is

1       probably going to be discussing his concept of adaptive  
2       management at some point in time without revisiting  
3       what he may or may not have meant by adaptive  
4       management and this kind of thing?

5                    MR. HANNA: I understand. I think that's  
6       quite appropriate, Mr. Chairman. I am trying to stray  
7       away from those kind of questions because Dr.  
8       Baskerville is coming.

9                    Q. Well, I will just read you a specific  
10      sentence here and I want to get your opinion on it, I  
11      want the witness' opinion on the statement. It has  
12      specifically to do with this statement that he has made  
13      in his evidence in-chief.

14                  THE CHAIRMAN: Ms. Murphy, let's wait for  
15      the question.

16                  MS. MURPHY: That's fine. I am just  
17      confused about which paper is being referred to there.  
18      There are a number of Baskerville papers, and I am just  
19      wondering which one it is we are talking about.

20                  MR. HANNA: That's fine, Mr. Chairman.  
21      It is the Panel 8 witness statement. It is actually  
22      page -- I am going to read from page 366 of the Panel 8  
23      witness statement.

24                  If you want you can look at it. I am  
25      just going to read -- there is just a couple of

1       sentences I will just read to Mr. Buss. He may not  
2       have Panel 8.

3                   Oh, you want to give it to him.

4                   MS. MURPHY: I would like to give it to  
5       him if you are going to read from it.

6                   MR. HANNA: Just so you know what I am  
7       going to read here, Mr. Buss, so you can familiarize  
8       yourself with it. There is a paragraph that starts  
9       right at the bottom of the first column and carries  
10      over to the top of the second column and there is --

11                  MS. MURPHY: And I would like Mr. Hanna  
12      to ask Mr. Buss whether he has read this paper.

13                  THE CHAIRMAN: Have you read Dr.  
14      Baskerville's paper on that referred to in Panel 8?

15                  MR. BUSS: Not recently. I may have gave  
16      this a cursory look at some time in the past, but I  
17      haven't read it in preparation for this particular  
18      session.

19                  MR. HANNA: Well, I am not asking for his  
20      opinion on the whole paper, Mr. Chairman. I am just  
21      going to ask him for one sentence and I don't think...

22                  THE CHAIRMAN: Okay. Let's deal with the  
23      sentence you want his opinion on and let's go on.

24                  MR. HANNA: Yes.

25                  Q. Okay. Maybe it is easier for me to

1       read it because I know exactly what I want here rather  
2       than --

3                    MR. BUSS: A. What page is it?

4                    Q. On page 366, at the bottom of the  
5       page, the bottom of the right -- the left-hand column  
6       there is a paragraph that starts there right at the  
7       bottom. I am just going to read starting with:

8                    "Wildlife science has been considerably  
9       more sophisticated in the study of  
10      wildlife populations and wood supply  
11      science has been in the study of tree and  
12      stand populations. However, the ability  
13      to manage wildlife habitat at the forest  
14      level is about 10 years behind the  
15      ability to manage availability of wood."

16                  And he goes on and describes the problem  
17      the biologist has when you look at these in isolation,  
18      these individual actions in isolation. He says:

19                  "A problem we all face here is that we  
20      can see the stand level action and its  
21      results, but we can only visualize the  
22      forest level action set and the forest  
23      level results."

24                  Do you get the general drift of what is  
25      being said there?

1                   THE CHAIRMAN: What is the question?

2                   MR. HANNA: I was just waiting to....

3                   MR. BUSS: Well, I'm not sure that I have  
4                   the complete drift, but what is your question about?

5                   MR. HANNA: Q. Okay. Well, you made the  
6                   response to the question about -- in terms of these  
7                   potential long-term effects and the question was:

8                   "....are you thinking about this at the  
9                   stand level or at the forest level?"

10                  And you answered:

11                  "I am primarily talking about the stand  
12                  level."

13                  And given the context of that comment, I  
14                  am trying to put that and tie that into what is being  
15                  said here and perhaps I would ask you:

16                  Did you go beyond what Dr. Baskerville is  
17                  suggesting here that at this point we can only  
18                  visualize forest level effects or did you do something  
19                  more than that, the sort of thing Dr. Baskerville is  
20                  suggesting here?

21                  MR. BUSS: A. I think I would have to  
22                  take some time to digest this in light of what I said.  
23                  I can explain what I said, what I meant by the  
24                  question -- my response to the question. I am not sure  
25                  I can, without looking at this for a few minutes, deal

1 with it.

2 MS. MURPHY: To deal with what  
3 Baskerville has said.

4 MR. BUSS: Yes, to deal with --

5 MS. MURPHY: That's precisely the  
6 problem.

7 MR. HANNA: Q. Well, maybe I will ask  
8 you this: In this particular question that was put to  
9 you in your evidence-in-chief, you said:

10 "I am primarily talking about the stand  
11 level."

12 Did you talk -- did you look at it at the  
13 forest level? Forget about Dr. Baskerville and just  
14 talk about your answer.

15 MR. BUSS: A. Okay. I think at the  
16 forest -- what I meant by the answer I gave was that I  
17 was talking about potential long-term effects as they  
18 relate to a particular stand and my intention was - and  
19 maybe not clearly enough stated - was that the  
20 accumulation of those effects at the forest level might  
21 be different than what you would perceive or expect to  
22 have at the stand level.

23 Q. Yes.

24 A. And that is why I separated the two.

25 Q. Okay. And I appreciate that

1 separation. My question is though, it seems Dr.  
2 Baskerville is rather critical of wildlife biologists  
3 not looking at the forest level and I'm wondering: Did  
4 look at the forest level in these types of long-term  
5 effects that you are discussing?

6 A. I didn't analyse the forest level  
7 situation in Ontario to provide this sort of overview.

8 Q. Thank you.

9 A. I think wildlife managers are aware  
10 of the cumulative effects.

11 Q. The addition?

12 A. Pardon?

13 Q. I think -- yes, as Dr. Baskerville is  
14 suggesting, you are left with the problem of trying to  
15 visualize those effects at the forest level because of  
16 the inadequacy of the tool. I think that is the basic  
17 thrust of his argument.

18 A. If that happens to be a problem, then  
19 we could be faced with that situation.

20 Q. Okay. Just one last issue here, Mr.  
21 Buss, I would like to deal with in terms of your  
22 evidence on terrestrial impacts and it deals with  
23 another question that you raise, actually an example,  
24 and you mentioned the favorite topic of mine and that  
25 is the red-shouldered hawk and I just couldn't let it

1 go by without making some comment on it.

2 I'm referring to page 18326.

3 MR. HANNA: I'm sorry, that is the  
4 transcript volume, Mr. Chairman.

5 THE CHAIRMAN: Okay.

6 MR. BUSS: I have that page.

7 MR. HANNA: Q. And you see there that  
8 you are referring in this particular case to an example  
9 of how the species has been incorporated in the timber  
10 management plan; is that correct?

11 MR. BUSS: A. That's correct.

12 Q. Can you tell me when you began to  
13 incorporate considerations regarding the nesting  
14 habitat requirements of this species in the timber  
15 management plan for the Leslie Frost -- is that what it  
16 is called, the Frost Crown Management Unit?

17 A. Yes. When we began to corporate it?

18 Q. Yes.

19 A. I think the decision to deal with it  
20 at the regional level was made this past spring or late  
21 this winter and we began doing the surveys when the  
22 conditions allowed it and we had staff trained to do  
23 the work.

24 Q. I believe you have been at the Frost  
25 Centre for 14 years; is that correct?

1                   A. That's correct.

2                   Q. This is the only management unit --  
3                   timber management unit that you have direct  
4                   responsibility for; is that correct?

5                   A. That's correct.

6                   Q. As part of the Centre's regular  
7                   program you conduct field research, inventories, a  
8                   whole variety of programs directed towards education  
9                   and training of both Ministry personnel and the general  
10                  public; is that correct?

11                  A. In general, yes.

12                  Q. And this has been ongoing for quite a  
13                  number of years; is that correct?

14                  A. What has been ongoing?

15                  Q. These activities?

16                  A. Yes.

17                  Q. Now, would you agree with me that as  
18                  a result of these activities and the ongoing - it's  
19                  very constructive, I don't want to make this sound  
20                  negative in any way - the very constructive activities  
21                  that you have been doing there, that there is a very  
22                  high level of knowledge that has been developed  
23                  regarding that timber management unit, relatively  
24                  speaking, to other timber management units in the  
25                  province because of the ancillary activities that are

1 taking place.

2                   A. I don't know that I could make a  
3 judgment as to the effectiveness or the knowledge. I  
4 know that we have a staff that probably is not  
5 representative of the staff that would be on every unit  
6 in the province. We also have a lot of activities that  
7 prevent us from being management oriented all the time.  
8 So, you know, overall I would think the coverage is  
9 probably not that dissimilar from the district.

10                  Q. In saying that, would you say that  
11 would be -- your other experience was in the Sioux  
12 Lookout area. You would say you have a comparable  
13 level of knowledge of say a Crown management unit north  
14 of Lac Seul and in Sioux Lookout?

15                  THE CHAIRMAN: Where are we going, Mr.  
16 Hanna? What is the point?

17                  MR. HANNA: Very simply, Mr. Chairman,  
18 it's a matter of what information was required for this  
19 activity to be put into place.

20                  THE CHAIRMAN: What activity?

21                  MR. HANNA: Mr. Buss in his evidence  
22 describes how they have gone about incorporating this  
23 featured species into their timber management plans.

24                  And I guess where I'm coming from is  
25 simply this: We have heard evidence here, a great

1 amount of evidence about the extensive knowledge and  
2 experience that the Ministry has in terms of its field  
3 staff and how they rely on that in making their  
4 management decisions and et cetera, et cetera, and I  
5 believe in this particular case, it suggests that that  
6 knowledge, despite the fact that I would submit to the  
7 Board having a Crown management -- or a unit that is  
8 much better understood than many particularly in the  
9 boreal forest, you still have to go out and collect  
10 more information.

11 MR. BUSS: Mr. Hanna, can I shed some  
12 light on this?

13 MR. HANNA: Q. Yes.

14 MR. BUSS: A. Our unit, the one at the  
15 Frost Centre is not the only one that is doing this.  
16 Every unit that is writing a timber management plan in  
17 the Algonquin region is involved in this activity  
18 because it has been regionally suggested that this is a  
19 featured species and, conversely, if you were to go to  
20 Geraldton District, I believe you would find out that  
21 bald eagles are a featured species, they are also an  
22 endangered species and they would be, you know, way  
23 above in that activity because it happens to be a  
24 featured species.

25 Q. I appreciate that, Mr. Buss. I don't

1 think -- while I appreciate the clarification, I think  
2 the question is very much: Where is this line of  
3 questioning going?

4 THE CHAIRMAN: Yes, and I have no idea,  
5 I'm not sure about my colleagues, of where you are  
6 going with this questioning. What is the question?  
7 Let's get to the question, specifically. Ask the  
8 witness a question.

9 MR. HANNA: Q. In your statement, is it  
10 true that you had to undertake additional surveys,  
11 field surveys specifically targeted for this timber  
12 management plan to have an adequate inventory of  
13 knowledge with respect to the species, it wasn't on  
14 file?

15 MR. BUSS: A. That's correct.

16 Q. And despite these exceptional type of  
17 people you had there, they didn't have the knowledge,  
18 et cetera, whatever, to be able to rely on either?

19 A. Well, I appreciate that I am part of  
20 the staff that is exceptional. No.

21 THE CHAIRMAN: Mr. Buss, I take it that  
22 until recently this wasn't a featured specie?

23 MR. BUSS: That's correct.

24 THE CHAIRMAN: And, therefore, is it fair  
25 to say that the Ministry would not necessarily have the

1 degree of information that they might otherwise want to  
2 have on file for all species as compared to a species  
3 that was suddenly a featured specie?

4 MR. BUSS: That's correct.

5 THE CHAIRMAN: And when this is made a  
6 featured specie for whatever policy reasons would it,  
7 in your opinion, be normal for more information or a  
8 higher intensity of information to be gathered with  
9 respect to a featured specie?

10 MR. BUSS: Yes.

11 THE CHAIRMAN: And would this be anything  
12 unusual in your opinion that this level of information  
13 that you are now gathering would not be already on file  
14 if the specie were not featured?

15 MR. BUSS: That is correct. We would  
16 have on file information now about endangered species  
17 should they occur on the Frost Centre, but when the  
18 decision was made at sort of a regional level to  
19 feature this because it's rare, even though there is no  
20 obligation under the Endangered Species Act to deal  
21 with it, locally we decided to feature it and,  
22 therefore, we set out to collect information on it.

23 THE CHAIRMAN: And is that not one of the  
24 purposes for featuring the specie?

25 MR. BUSS: Exactly.

1                   MR. HANNA: Thank you, Mr. Chairman.

2                   Q. So just to finish that off, if we add  
3 new featured species we will, in cases where we are  
4 preparing timber management plans, need to collect  
5 additional field information in those cases?

6                   MR. BUSS: A. If we are going to deal  
7 directly and specifically with a species, if we have  
8 them, we would have to fill in the gap, yes.

9                   MR. HANNA: I appreciate your assistance  
10 in that, Mr. Chairman.

11                  MR. MARTEL: You could not, unless you  
12 looked at every species, designate them all as featured  
13 species.

14                  MR. BUSS: Precisely.

15                  MR. MARTEL: To do what you are doing  
16 with the red-shouldered hawks and the type of  
17 inventories, as I understand it, you would have to  
18 designate them all to gather that type of data?

19                  MR. BUSS: Yes, and that is precisely why  
20 we are featuring deer and applying deer guidelines as  
21 Dr. Euler had indicated, because managing for deer we  
22 assume that we are bringing in 60 or 70 per cent of the  
23 other species with it; in other words, our management  
24 for deer covers those other species. That is part  
25 of -- inherent in the deer management guidelines or

1 moose management guidelines.

2 THE CHAIRMAN: Okay. Move on, please.

3 MR. HANNA: Q. Can we turn to your  
4 witness statement to the socio-economic effects, page  
5 380. I would like to deal with the section 3.7 which  
6 is the general public.

7 MR. BUSS: A. Yes, I have that page.

8 MR. HANNA: It's Volume II, Panel 12.

9 Q. Now, I have provided to you, Mr.  
10 Buss, a survey conducted by the Canadian Forestry  
11 Service dealing with the matter of forest management  
12 and the public's concerns dealing with that; is that  
13 correct?

14 MR. BUSS: A. Yes.

15 MS. CRONK: Excuse me, Mr. Buss, before  
16 you answer the questions on this issue. Could I  
17 address the Board, Mr. Chairman?

18 If Mr. Hanna's intention is to proceed  
19 with questions on this document--

20 THE CHAIRMAN: Yes.

21 MS. CRONK: Perhaps not to be premature,  
22 I should ask Mr. Hanna if it is his intention, apart  
23 from asking the witness whether he got a copy of it, to  
24 proceed with questions on the document. I'm assuming  
25 that.

1                   MR. HANNA: Yes, it is, Mr. Chairman.

2                   MS. CRONK: Mr. Chairman, you will recall  
3 yesterday afternoon that there was an indication given  
4 by Mr. Hanna that he had provided to Ms. Murphy and  
5 through her to the witnesses a copy of two documents  
6 and I rose and asked for copies of them.

7                   The first document has been marked, it's  
8 the tending release study. The second is the document  
9 to which Mr. Hanna now refers. He has suggested to the  
10 to the witness that it was a survey conducted by the  
11 Canadian Forestry Service. It is in fact, without in  
12 any way discussing the nature of the document or what  
13 it contains, a survey conducted by a group called  
14 Environics Research Group Ltd., it is an opinion poll,  
15 Mr. Chairman.

16                  And I rise, as you will perhaps  
17 anticipate, because of the procedures and rules that  
18 are particular to opinion polls and the suggestion that  
19 such a document is either useful to the Board in a  
20 proceeding of this kind or that it's in any way fair or  
21 proper that it be introduced.

22                  And I should say that I'm making my  
23 comments in a generic sense because Mr. Hanna is not  
24 the only representative in the room who has in their  
25 files a number of opinion polls. So the comments

1 should not be taken, at least my comments should not be  
2 taken as specific to this particular opinion poll.

3                   The point is simply this, sir. As you  
4 appreciate, on behalf of our clients we have  
5 considerable concern that a document of this kind  
6 should be put to witnesses in cross-examination when  
7 those witnesses neither participated in its conduct,  
8 nor relied upon it in any way in forming the opinions  
9 that they have expressed to the Board, nor made  
10 reference to it in their written reports.

11                  And, in those circumstances, we suggest  
12 that given that opinion polls of this kind are, in  
13 their true form the purest form of hearsay, are neither  
14 admissible nor should be received by you in  
15 cross-examination.

16                  Now, if you wish I can elaborate on that,  
17 but maybe the Board will be aware of the law on the  
18 matter.

19                  THE CHAIRMAN: Well, we are and you will  
20 appreciate, Ms. Cronk, the Board has specifically  
21 promulgated a rule of practice in connection with the  
22 tendering of opinion polls. Unfortunately I don't have  
23 the Rules of Practice of the Board in front of me. I  
24 could certainly refer you to a specific rule, I think,  
25 if I had a copy.

1                   MS. CRONK: We will get it up for you  
2 here, sir. Mr. Chairman right now. My concern...

3                   THE CHAIRMAN: The basic sort of import  
4 of the rule is, is that although we don't necessarily  
5 prohibit the admission of opinion polls, it is the  
6 Board's position that they are generally of very little  
7 use in terms of evidentiary value.

8                   This Board, as is the case with other  
9 boards that deal on a regular basis with large numbers  
10 of members of the public, has taken the position, since  
11 a lot of the members of the public sometimes go out and  
12 conduct their own opinion polls or their own surveys of  
13 neighbourhoods et cetera, spend a lot of time doing  
14 that and then come to the Board and attempt to put in  
15 some kind of opinion poll, we have taken the position  
16 in fairness that although we may admit the poll per se,  
17 the Board places very little on them whatsoever and for  
18 precisely the reasons that courts of law, as you are  
19 aware, Ms. Cronk, have traditionally refused admission  
20 to such polls.

21                  We have no idea whatsoever the  
22 circumstances under which the questions were asked, the  
23 manner in which the responses were given.

24                  Just to give some very sort of  
25 commonplace examples. Somebody may come to your home

1       during the dinner hour with a petition and say: Would  
2       you like to support the campaign against such and such,  
3       a project, it could be a highway, land fill site or  
4       anything. The person to whom the person bringing the  
5       petition forward may be engaged in a dinner party or  
6       anything else and may very easily say: Where do I  
7       sign? Thank you very much. I don't have time to  
8       discuss it right now, but I will sign it and he signs  
9       it.

10                  Now, that is not indicative of that  
11       person's necessarily putting forth a position on that.  
12       There may be all kinds of other circumstances. I just  
13       give this as an example.

14                  Unless the parties to the poll who took  
15       part in it are present before the Board, can be  
16       questioned as to the circumstances under which the  
17       information which may be contained in the poll is  
18       given, it has very little value to the Board  
19       whatsoever.

20                  And we actually - and again I don't have  
21       the rule in front of me - but I think there is  
22       something in the rules of practice that is indicative  
23       of this Board's opinion on the value of the polls. We  
24       indicate that they may be admissible under such  
25       circumstances, but that the Board will generally place

1 very little reliance on them.

2                   In a hearing of this type, Mr. Hanna, it  
3 doesn't really further the process when these witnesses  
4 have had nothing to do whatsoever with the poll, we  
5 don't know under what circumstances it was conducted,  
6 we don't know what control mechanisms were in place in  
7 terms of the information gathered, we have nobody who  
8 conducted the poll themselves here before us to even  
9 answer some of those questions, it is of very little  
10 value to the Board.

11                  MR. HANNA: Mr. Chairman, I appreciate  
12 that direction. In fact I would like to say right from  
13 the beginning that I appreciate Ms. Cronk helping me in  
14 terms of the legalities of this and I think that should  
15 go on the record that she was most accommodating to me  
16 and I appreciate that.

17                  I can say that my client is prepared to  
18 bring forward the people who both conducted the poll  
19 and who the poll was conducted for in to -- I  
20 appreciate fully your point and I have the same  
21 concerns often of opinion polls.

22                  There are ways that those things can be  
23 dealt with and I think through the questions that I'm  
24 going to put to the witness that there may be some  
25 value to it and the Board obviously will have to

1 determine that at some point in the future.

2 THE CHAIRMAN: Well, I mean, I don't even  
3 know whether it's worthwhile spending the time going  
4 through that exercise if this witness panel is prepared  
5 to indicate whether or not they have any knowledge of  
6 the poll, whether they took part in the poll, or  
7 whether they know the circumstances under which the  
8 poll was taken.

9 Do any of you witnesses know any of these  
10 things in terms of this poll?

11 MR. HYNARD: Well, my answer would be no  
12 to all of those questions.

13 MR. CHURCHER: I'm personally aware of  
14 the poll, but that is the extent of it. The answer to  
15 your other questions is no.

16 THE CHAIRMAN: Well...

17 MR. HANNA: Well, Mr. Chairman, I  
18 appreciate what you are suggesting to me. I guess the  
19 point of my question is this and; that is, that section  
20 3.7 of this witness statement -- the witness statement  
21 prepared by Mr. Buss, I would suggest to you is a poll  
22 in itself, a poll he hasn't developed in a very formal  
23 way, but I believe that he is suggesting in that  
24 section what the public's opinion is.

25 That is my interpretation of that

1 section, and I'm interested in pursuing the basis by  
2 which he's arrived at the conclusions that he has in  
3 section 3.7 and how that matches with other factual  
4 evidence, in fact if you can call it that, that has  
5 been developed.

6 THE CHAIRMAN: Now, I think it's fair for  
7 you to ask him on that paragraph, how did he arrive at  
8 his opinion, or what is the basis of his statement in  
9 that paragraph?

10 And whether that accords with anything  
11 else, would have to be developed in another way, not  
12 through the admission of an opinion poll under the  
13 circumstances where this panel knows really nothing  
14 about the poll.

15 You can ask this panel, or Mr. Buss if he  
16 developed this statement, on what basis is he making  
17 this statement?

18 MS. CRONK: I have absolutely no  
19 objection obviously to that, Mr. Chairman. And I  
20 understand a ruling to virtually have been made, so I  
21 have no further submissions in that regard.

22 THE CHAIRMAN: Okay.

23 MR. LINDGREN: Mr. Chairman, just for  
24 point of clarification. Are you ruling that this  
25 document is not admissible?

1 MS. CRONK: At this time to this panel.

2 THE CHAIRMAN: At this time with this  
3 panel, I think that would be the ruling of the Board.

4 MS. CRONK: Thank you, Mr. Chairman.

5 MR. LINDEGREN: Thank you.

6 THE CHAIRMAN: That is not to say that at  
7 another time in the proceeding the same document would  
8 not be admissible. The same comments apply though as  
9 to the weight the Board might place on any opinion  
10 poll.

11 MS. CRONK: I should say, Mr. Chairman,  
12 and I thank you for your comments and the ruling, but I  
13 am reserving any further remarks on it for a future  
14 occasion because there are submissions we will make on  
15 the admissibility aspect of it.

16 THE CHAIRMAN: Very well.

17 MR. HANNA: Just so that I understand  
18 where I should go, not in this panel sir but in the  
19 future, as you appreciate I'm not fully up on  
20 procedural matters. For this to be admitted before the  
21 Board, would you need -- like, this was done by the  
22 Canadian Forestry Service.

23 THE CHAIRMAN: Well, when it comes to the  
24 admissibility of documents before this Board,  
25 everything isn't automatically admissible. There are,

1 even before a board like this one, some categories  
2 which are inadmissible. This is one of those gray  
3 areas that we have defined in general terms, that the  
4 Board may be prepared to admit this type of document  
5 which will be clearly inadmissible in a court of law,  
6 but we have also stated very publicly in the rules of  
7 practice and procedure that we virtually place none or  
8 very little weight on such a document.

9 Now, having said that, when it comes the  
10 time to admit any particular document whether it's --  
11 or any of the documents that have been admitted to date  
12 would fall into that category, specific counsel may  
13 rise and challenge the admissibility of that document  
14 at that time.

15 And at the time that it's sought to be  
16 admitted formally - we don't think this is the place in  
17 any event - then Ms. Cronk may reserve her further  
18 comments as to why the Board should or should not admit  
19 such a poll.

20 MS. CRONK: I should make it clear if I  
21 could as well, Mr. Chairman, through you and Mr. Hanna  
22 that when I said that the concern was a generic one, it  
23 is because our clients are concerned and we on their  
24 behalf that this not turn into a polling match.

25 THE CHAIRMAN: All right.

1 MS. CRONK: It may be that there are any  
2 number of such polls in existence and that it is  
3 perhaps obvious that certain groups in the room could  
4 produce polls 1 through 10, I might just have 20  
5 through 30. That would not be in the interest of the  
6 proceeding.

7 THE CHAIRMAN: And I think it's fair for  
8 the Board in a hearing of this nature to clearly  
9 indicate up front that whether or not such a poll were  
10 admitted, the Board would likely place very little  
11 value in terms of evidentiary value on such a poll.

12 Whether it is in the interests of this  
13 hearing to admit 50 polls of that nature is certainly a  
14 very relevant question. And so it is sought to be  
15 introduced at some further stage, if it is, I think we  
16 can argue it out at that time as to whether or not it  
17 should be admissible at all.

18 MR. HANNA: Thank you, Mr. Chairman.

19 THE CHAIRMAN: I might add as well, just  
20 for your elucidation, Mr. Hanna. Although the rules of  
21 practice generally state what practice the Board  
22 follows, they are in themselves subject to any  
23 particular situation which might arise at any  
24 particular hearing.

25 There is a section of the rules that

1 indicates that the Board in particular circumstances,  
2 whether the spirit of the rules are in fact observed,  
3 may abrogate any particular rule if it feels in those  
4 circumstances that particular rule would not advance  
5 the hearing.

6 MR. HANNA: I think that is most  
7 appropriate, Mr. Chairman. I appreciate your  
8 direction.

9 THE CHAIRMAN: So if you want to go back  
10 to this witness panel--

11 MR. HANNA: Yes.

12 THE CHAIRMAN: --and ask Mr. Buss what he  
13 meant by this statement and on what basis he made it.

14 MR. HANNA: I think I have a pretty clear  
15 idea of what I can ask.

16 Q. Now, this section 3.7, Mr. Buss, it's  
17 dealing with socio-economic environment; is that  
18 correct?

19 MR. BUSS: A. That's correct.

20 Q. Would you agree with me that  
21 perceptions play a major role in social impacts?

22 A. They play a role, yes.

23 Q. For example, peace of mind, lack of  
24 stress are all commonly cited as social impacts;  
25 correct?

1                   A. I don't know whether they are often  
2                   cited as that.

3                   Q. Is not one way to analyse the extent  
4                   of social impacts to do public consultation, to survey  
5                   public opinion, to deal with the people being affected?

6                   A. Yes, I believe that's correct.

7                   Q. Did you conduct any survey to arrive  
8                   at your conclusions regarding the general public?

9                   A. Did I conduct a formal survey? No, I  
10                  made these statements on the basis of experience in  
11                  dealing with stakeholders.

12                  And you will notice in this particular  
13                  passage it says:

14                  "The general public that are actively  
15                  interested."

16                  And I was thinking of that time my  
17                  association with people who are living in the area of  
18                  the concern that I have dealt with; that is people,  
19                  family heads who were making their living from the  
20                  forest industry, thinking of people who, for instance,  
21                  professionals who have a very active interest in what  
22                  is going on in forestry in terms of wood supply and the  
23                  state of the forest.

24                  And, in my view, considering those --  
25                  that kind of analysis of opinion that I have sampled in

1 some 20 years working for the Ministry, I made the  
2 statement that those actively concerned about the state  
3 of our forest should be or should see these investments  
4 as being positive.

5 And I have a neighbour who has been  
6 active in the forest industry for about 60 years and if  
7 you would like to talk to somebody who is actively  
8 interested in what the Ministry is doing about forestry  
9 you should talk to my neighbour. He's very actively  
10 interest and anything we do that looks good he's  
11 impressed with.

12 Q. But would that not be covered in  
13 section 3.6 of your report, local communities. In  
14 fact, in your evidence-in-chief, did you not go through  
15 a fairly long description about, for example, families  
16 in Bancroft, et cetera?

17 A. That's correct.

18 Q. And is it fair to say that in 3.7 you  
19 really haven't gone outside of your immediate area and  
20 looked at the general opinion or general - how should I  
21 say - impact? I don't -- I will probably try and use  
22 your words here. I presume this --

23 A. I haven't conducted a poll, no. I  
24 haven't conducted a randomly selected poll. I made  
25 this statement on the basis of my experience with

1 stakeholders in the area where I work.

2                   For instance, I participated in a number  
3 of open houses dealing with forest management planning.  
4 Very often when people come in they look at the map and  
5 they say: Oh, there is no cut behind my cottage, I  
6 don't care, and they will walk out.

7                   There are also people that come in and  
8 look at it who are generally concerned about: What are  
9 you going to do about forestry in this area. There is  
10 a range of responses.

11                  And I am saying that people that are  
12 interested in how the government is spending their  
13 money should be interested and view the investments in  
14 tending as being positive.

15                  THE CHAIRMAN: Mr. Buss, though, is this  
16 essentially your own opinion?

17                  MR. BUSS: That is my assessment, yes, of  
18 the opinions that I've heard other people express to  
19 me, but it is not in any way a statistical survey or  
20 anything like that.

21                  MR. HANNA: Q. But based upon your  
22 opinion, are you of the view that the general public is  
23 concerned about forests as a beautiful and scenic place  
24 for relaxation and leisure?

25                  THE CHAIRMAN: Well...

1 MS. MURPHY: Let's keep our eye on the  
2 ball here. This is a paper called The Potential  
3 Effects of Mechanical and Manual Tending, and Mr. Buss  
4 makes the statement that in that regard those people in  
5 the general public who are actively interested in  
6 government expenditures and so forth should view  
7 investments in tending as positive.

8 That's the sum total of the comment.

9 THE CHAIRMAN: You mean there is elements  
10 here, Mr. Hanna, that the statement is definitely  
11 related to government expenditures and investments in  
12 tending, and he is making a statement that, in his  
13 opinion, people who are concerned in those activities,  
14 in the expenditures of government monies in the  
15 activity of tending, should view those investments as  
16 positive.

17 I don't think you are going beyond that,  
18 are you, in that statement?

19 MR. BUSS: No.

20 MR. HANNA: Q. Are you suggesting, Mr.  
21 Buss, that this represents a comprehensive statement of  
22 the potential effects of mechanical and manual tending  
23 on the socio-economic environment as it pertains to the  
24 general public?

25 MR. BUSS: A. Comprehensive to include

1 what do you mean...

2 Q. Your definition of the general  
3 public, your words in terms of what your report is  
4 dealing with?

5 A. All I can tell you is it represents  
6 my impression of public opinion, those people that are  
7 concerned about how we spend our money in forestry. It  
8 represents my impression of their attitude or their  
9 concern about tending.

10 In other words, I didn't ask anybody: Do  
11 you think tending is good for the forest or bad for the  
12 forest. My impression is that people that are  
13 concerned about the forest industry and the long-term  
14 viability of it would see these investments as being  
15 positive. I think that's all I mean by that.

16 THE CHAIRMAN: Mr. Buss, we I think  
17 learned earlier that the Ministry has not conducted a  
18 socio-economic impact study specifically on the effects  
19 of tending; is that correct?

20 MR. BUSS: That's correct.

21 THE CHAIRMAN: And, therefore, this  
22 statement essentially is one of the statements, at  
23 least made by you - there may be others made by other  
24 members of the panel in various parts of their  
25 evidence - is your evidence on this topic?

1 MR. BUSS: That's correct.

2 THE CHAIRMAN: Now, you may disagree that  
3 this is inadequate, Mr. Hanna, and you may wish to call  
4 evidence of your own to show a contrary opinion or that  
5 it is inadequate, but that's what the Ministry's  
6 position appears to be through this witness on this  
7 topic.

8 MR. HANNA: Thank you very much, Mr.  
9 Chairman. Mr. Martel, I hope you make your plane. I  
10 am finished and thank you very much.

11 THE CHAIRMAN: Okay. Thank you. Very  
12 well, ladies and gentlemen, we will now adjourn until  
13 Monday at 1:00 p.m.

14 Thank you.

15 ---Whereupon the hearing adjourned at 12:45 p.m., to be  
16 reconvened on Monday, June 19th, 1989, commencing at  
1:00 p.m.

17

18

19

20

21

22

23

24

25









